United Nations S/2009/446

Security Council

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Letter dated 4 September 2009 from the Secretary-General to the President of the Security Council

Pursuant to paragraph 31 of Security Council resolution 1880 (2009) dated 30 July 2009 on the situation in Côte d'Ivoire, I have the honour to provide an update on the preparation of the provisional electoral list for the Ivorian presidential election, which is scheduled to take place on 29 November 2009. As you may recall, the deadline for the publication of the provisional electoral list was 29 August 2009. The Independent Electoral Commission, which is responsible for preparing that list with support from other national technical bodies, such as the National Statistics Institute and the National Commission for the Supervision of Identification (CNSI), as well as a contracted international private company from France, called Sagem, has missed this important deadline.

In a statement issued on 19 August 2009, the Independent Electoral Commission had expressed concern about delays in key steps required to prepare the provisional electoral list. In this regard, the Independent Electoral Commission indicated that CNSI had not designated any representatives to the committees established to arbitrate identification and voter registration data; that the integrated command centre had not provided security for all of the coordination centres where the data is processed; and that the Government had yet to disburse the remaining funds required for the electoral process. Subsequently, the office of the Prime Minister indicated that there would be an approximate two-week delay in publishing the provisional electoral list.

Meanwhile, the United Nations Operation in Côte d'Ivoire (UNOCI) reported that, on 25 August 2009, the Government of Côte d'Ivoire had adopted legal texts relevant to the electoral process. These included decree 2009/270, which regularizes the duration of the concluded voter registration operations, carried out between 15 September 2008 and 30 June 2009, by amending an earlier decree that had set 30 October 2008 as the deadline for completing the voter registration process; ordinance 2009/268, which compresses the time for displaying the provisional electoral list from three months to 30 days prior to the elections; and ordinance 2009/269, which compresses the time for completing the distribution of voter cards from two weeks to eight days prior to the elections.

On 1 September 2009, UNOCI reported that the technical committees composed of the Independent Electoral Commission and CNSI representatives had started arbitrating identification and voter registration data in the coordination centres on 31 August 2009. As of 2 September, 40 of the 70 coordination centres

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had completed the processing of voter registration data. Operations are ongoing in the remaining 30 centres. UNOCI is working with other international partners to help the Independent Electoral Commission explore ways to resolve funding issues, with a view to ensure the uninterrupted functioning of these data processing centres.

Furthermore, UNOCI is working with the national authorities to identify and address the obstacles to the deployment of the mixed brigades that are charged with the responsibility to provide security to the coordination centres and the wider electoral process. We will continue to monitor the electoral process in Côte d'Ivoire closely and keep the Security Council informed of significant developments. In the meantime, I would be grateful if you could bring the present letter to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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Security Council

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9 September 2009

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Letter dated 2 September 2009 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith a report on the work of the Security Council during the presidency of Uganda in July 2009 (see annex).

The document was prepared under my responsibility, after consultation with the other members of the Security Council.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Ruhakana **Rugunda**
Ambassador and Permanent Representative

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Annex to the letter dated 2 September 2009 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

Assessment of the work of the Security Council during the presidency of Uganda (July 2009)

Introduction

During the presidency of Uganda, in the month of July 2009, the Security Council held 21 formal meetings, including 19 public meetings, of which two were open debates. It also held two private meetings with troop-contributing countries and 11 closed consultations.

The Council adopted five resolutions and five presidential statements. The President also read out one statement to the press and in another instance made oral remarks to the press.

Africa

Chad, the Central African Republic and the subregion

On 28 July, the Security Council held an open meeting to consider the Secretary-General's report on the United Nations Mission in the Central African Republic and Chad (MINURCAT) (S/2009/359). The Council was briefed by the Special Representative of the Secretary-General and Head of MINURCAT, Victor Da Silva Angelo, on the current developments in the two countries, MINURCAT operations and the deployment of the Mission.

In the discussions that followed, Council members commended MINURCAT for the contribution it is making in the affected areas of Chad and the Central African Republic and called for accelerated deployment of the Mission to enable it to better fulfil its mandate, which includes protection of civilians and humanitarian personnel. In view of the interrelatedness of the conflicts in Chad, the Central African Republic and the Sudan, members of the Council reiterated the need for the normalization of relations between the Sudan and Chad for a comprehensive and lasting peace in the two countries and the whole region. Council members called upon the two countries to use the existing bilateral arrangements agreed upon in the past, including the Dakar Contact Group, to normalize their bilateral relations.

Côte d'Ivoire

On 23 July, the Council held an open meeting on the report of the Secretary-General on the United Nations Operation in Côte d'Ivoire (UNOCI) (S/2009/344) and was briefed by the Special Representative of the Secretary-General for Côte d'Ivoire and Head of UNOCI, Choi Young-Jin. He informed the Council of the significant progress in the implementation of the Ouagadougou Political Agreement and its supplementary agreements. He outlined the main achievements, including the end of hostilities between the Forces nouvelles and the national defence and security forces; the removal of the zone of confidence that had physically divided the country; restoration of free movement of people and goods throughout the country;

successful conduct of a credible process to identify the population and register voters; the overall improvement in the human rights situation throughout the country; sustained dialogue among the main political leaders; and the revival of the economy. The Special Representative further informed the Council that, on 14 May, the Government of Côte d'Ivoire announced that the first round of the presidential elections would be held on 29 November 2009. The Council also heard a statement from the Permanent Representative of Côte d'Ivoire, Alcide Djedje, who reiterated the commitment of the Government to hold elections as scheduled on 29 November 2009. The meeting was preceded by a private meeting with the countries contributing troops to UNOCI, during which participants were briefed by the Special Representative of the Secretary-General.

In the consultations that followed, members of the Council noted the assurances by the Government, as well as other political actors, that they were still committed to holding presidential elections on 29 November 2009, and stressed the need to adhere to that timeline. They called upon the Independent Electoral Commission to urgently issue a timetable with dates for the remaining processes leading to the presidential elections.

On 30 July, the Council unanimously adopted resolution 1880 (2009), by which it renewed the mandate of UNOCI until 31 January 2010, in particular to support the organization in Côte d'Ivoire of free, open, fair and transparent elections, within the electoral timeframe. The Council also requested UNOCI to actively support the parties in the implementation of the remaining tasks under the Ouagadougou Political Agreement and its supplementary agreements.

Democratic Republic of the Congo

On 10 July, at a formal meeting, the Council was briefed by the Special Representative of the Secretary-General and Head of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), Alan Doss, on the report of the Secretary-General on MONUC (S/2009/335). He noted that action against foreign armed groups operating in the eastern part of the country had led to population displacements and serious human rights violations by the Forces démocratiques de libération du Rwanda (FDLR) and the Lord's Resistance Army (LRA), as well as undisciplined soldiers of the Armed Forces of the Democratic Republic of the Congo. In the informal consultations that followed, Council members exchanged views and adopted a statement to the press, expressing their support for MONUC and encouraging the Mission, in collaboration with national authorities, to continue monitoring the performance and conduct of units of the Armed Forces involved in joint operations against armed groups. Members of the Council also called for the urgent and full implementation of the agreement of 23 March.

The Council members welcomed and encouraged further regional cooperation, in particular between the Democratic Republic of the Congo, Rwanda and Uganda, and commended the role played by the Special Envoy of the Secretary-General for the Great Lakes Region, Olusegun Obasanjo, and his co-Facilitator, Benjamin Mkapa. The Council members also expressed grave concern over the renewed activity of illegal armed groups and condemned the targeted attacks against the civilian population by FDLR and LRA. They further expressed concern about the continuing reports of massive human rights violations, widespread sexual violence,

and continued recruitment and use of children in armed conflict. Members of the Council encouraged the Congolese authorities to continue taking further steps to fight impunity within the national security forces.

The situation in the Great Lakes region (Lord's Resistance Army-affected areas)

On 15 July, in consultations of the whole, the Council was briefed by the Special Envoy of the Secretary-General for the Lord's Resistance Army-affected Areas, Joaquim Chissano, who gave his assessment of the Juba peace talks and the outcome of his mandate as Special Envoy. His briefing came against the background of a letter dated 26 May 2009 from the Secretary-General informing the Council of his intention to suspend President Chissano's assignment as Special Envoy as from 30 June (S/2009/281). In remarks to the press by the President of the Council, members commended the Special Envoy for his significant contribution to the peace process, called on LRA to sign the Final Peace Agreement and also expressed appreciation for the readiness of President Chissano to be available should LRA finally be ready to sign the Final Peace Agreement.

Sierra Leone

On 16 July, at an open meeting, the Council was briefed by the President of the Special Court for Sierra Leone, Justice Renate Winter, and the Prosecutor, Stephen Rapp, on the work of the Special Court. The Council also heard a statement by the representative of Sierra Leone. The Council members commended the Special Court on its achievements in ensuring that those responsible for heinous crimes are brought to justice as part of the fight against impunity. They also welcomed the Special Court's completion strategy for its work.

Somalia

On 9 July, the Council held a debate on the situation in Somalia and was briefed by the Under-Secretary-General for Political Affairs, B. Lynn Pascoe, on the current political and security situation in Somalia, and by the Under-Secretary-General for Field Support, Susana Malcorra, on the support package for the African Union Mission in Somalia (AMISOM). The Council also heard statements by the representative of Somalia, the Permanent Observer of the African Union to the United Nations and the representative of Sweden on behalf of the European Union presidency.

In the debate that followed, Council members reiterated their support for the Djibouti Agreement as a basis for the political process and for the Transitional Federal Government as the legitimate authority in Somalia. Council members condemned the recent escalation of attacks by armed groups and foreign elements against the Transitional Federal Government, the civilian population and AMISOM, and demanded an end to the attacks. Council members commended the contribution of AMISOM to lasting peace and stability in Somalia and welcomed the decision adopted by the Assembly of the African Union at its twelfth ordinary session, held at Sirte, Libyan Arab Jamahiriya, from 1 to 3 July, to strengthen AMISOM. Council members also took note of the African Union decision at the same session requesting the Council to impose sanctions against all those, including Eritrea, providing support to the armed groups engaged in undermining peace and reconciliation efforts in Somalia and regional stability. Council members also agreed

to expeditiously consider the course of action against those undermining the Djibouti peace process. At the end of the debate, the Council adopted a presidential statement (S/PRST/2009/19).

On 29 July, the Council held an open meeting to consider the report of the Secretary-General on the situation in Somalia (S/2009/373). The Council was briefed by the Special Representative of the Secretary-General for Somalia, Ahmedou Ould Abdallah, on developments in the political, security and humanitarian situation, and heard an update on AMISOM, piracy, and the role of the international community in Somalia. The Council also heard statements from the Commissioner for Peace and Security of the African Union, Ramtane Lamamra, and the Minister for Foreign Affairs of Somalia, Mohamed Abdullahi Omaar. They informed the Council about the fragile situation in Somalia, especially after the recent escalation in fighting following attacks on the Transitional Federal Government by armed insurgents and foreign fighters. They pointed out however that there were some positive changes, namely, that the Transitional Federal Government was getting more organized, reasserting itself and increasingly gaining the support and confidence of the Somali people. They therefore called for increased and expedited support from the international community for the Transitional Federal Government, especially in helping to rebuild Somali security forces and State institutions.

In the discussions that followed, members of the Council reiterated their support for the Djibouti peace process, and for the Transitional Federal Government as the legitimate and internationally recognized authority. They called upon those still outside the Djibouti peace process to respond to calls for reconciliation by the Government, and to embrace peaceful means of resolving the Somali conflict. The Council members welcomed the launching on 25 July of the Joint Security Committee and the initiation of the deployment of the AMISOM police component. They condemned attacks on the Transitional Federal Government, humanitarian personnel, the civilian population and AMISOM by insurgent groups and foreign elements.

The Council later held private consultations at which it received the 120-day report from the representative of Mexico, Claude Heller, in his capacity as Chairman of the Committee established pursuant to resolution 751 (1992); he updated the Council on the work of the Committee and the draft list of entities and individuals proposed by the Somalia Monitoring Group for consideration by members of the Council. He also informed Council members about the Group's work in the region and the repeated postponement by the Eritrean authorities of the visit by the Group to the country.

Members of the Council commended the Committee and the Monitoring Group for their work and contribution to the search for peace in Somalia and the whole region. Members of the Council, while calling upon all those supporting armed groups and sabotaging the Djibouti peace process to stop doing so, reiterated their readiness to start the process of triggering action against those who meet the designation criteria in resolution 1844 (2008), namely, undermining stability, impeding the delivery of humanitarian assistance or violating the arms embargo.

Sudan

On 17 July, the Council held informal consultations and considered the Secretary-General's report on the United Nations Mission in the Sudan (UNMIS) (S/2009/357). The Council was briefed by the Under-Secretary-General for Peacekeeping Operations, who reported on the current political and security situation in the Sudan following his field trip to the country. He highlighted some of the challenges that were facing the Sudan in the process of implementing the Comprehensive Peace Agreement, the decision of the Permanent Court of Arbitration on Abyei that was expected on 22 July 2009, and the support extended by UNMIS in facilitating the implementation of the Comprehensive Peace Agreement.

Members of the Council commended UNMIS for the support it had provided in implementing the Comprehensive Peace Agreement and for the contingency plans it was making to protect the civilian population, particularly in the Abyei area. Council members also commended the parties for the aspects of the Agreement that had so far been implemented. They expressed concern over those that had not yet been implemented fully, particularly the delays in preparations for general elections, which had been postponed to April 2010.

On 24 July, following a closed meeting with the countries contributing troops to the African Union-United Nations Hybrid Operation in Darfur (UNAMID), the Council held an open meeting to consider the Secretary-General's reports on UNAMID (S/2009/297 and S/2009/352). The Council was briefed by the Under-Secretary-General for Peacekeeping Operations, Alain Le Roy, on the developments on the political, security and humanitarian situation, and UNAMID operations and deployment. He pointed out that while the situation on the ground had improved somewhat, the situation for millions of people who were displaced in Darfur and unable to return home remained of serious concern. The Under-Secretary-General stressed the need for implementation of the Comprehensive Peace Agreement. He welcomed the commitment of the parties to the Agreement to respect and peacefully implement the decision of the Permanent Court of Arbitration on the Abyei dispute.

The Special Representative of the President of the Russian Federation, Mikhail Margelov, and the representative of the Sudan also participated in the meeting.

Council members commended UNAMID for its work and welcomed the progress in the deployment of UNAMID operations. Council members welcomed the efforts by the Joint Mediation and the Government of Qatar to achieve an agreement between the Government of the Sudan and the armed opposition groups including the Justice and Equality Movement. They further reiterated the urgent need to reach a political settlement of the Darfur conflict and called upon the parties to return to the negotiations.

On 30 July, the Council unanimously adopted resolution 1881 (2009), by which it extended the mandate of UNAMID until 31 July 2010.

United Nations Office for West Africa

On 7 July, at an open meeting, the Council considered the report of the Secretary-General on the United Nations Office for West Africa (UNOWA) (S/2009/332), which was presented by the Special Representative of the Secretary-General and Head of UNOWA, Said Djinnit. The Council was also briefed on the

work of the United Nations Office on Drugs and Crime by the Executive Director, Antonio Maria Costa. In the informal consultations that followed, Council members commended UNOWA for its role in promoting and strengthening a regional and integrated approach to cross-border issues. They also commended the United Nations Office on Drugs and Crime for its initiatives in combating drug-trafficking and crime in the West African region.

On 10 July, at an open meeting under the item entitled "Peace consolidation in West Africa", the Council adopted a presidential statement (S/PRST/2009/20), in which it noted with satisfaction the continued progress in the overall peace and security situation in West Africa and welcomed the positive developments in the areas of post-conflict recovery and peacebuilding, as well as improvements in governance and the rule of law.

The Council expressed its concern over emerging threats to security in West Africa, notably terrorist activities in the Sahel band, maritime insecurity in the Gulf of Guinea, and illicit drug-trafficking. The Council commended UNOWA and requested the Secretary-General, through his Special Representative, to continue to develop further the active cooperation existing between the United Nations and regional and subregional organizations.

Peace and security in Africa

Djibouti and Eritrea

On 21 July, the Council held informal consultations under the item entitled "Peace and security in Africa" to discuss the Djibouti-Eritrea border dispute. The Council was briefed by the Under-Secretary-General for Political Affairs, who gave an update on the implementation of resolution 1862 (2009). He informed Council members that, since his last briefing, the situation had not changed: Eritrea was still maintaining that it had not occupied any part of Djibouti territory and continued to defy the Security Council resolution that called upon the two countries to withdraw their forces to the status quo ante. He further informed the Council that Eritrea had so far refused to engage in any diplomatic efforts to resolve the dispute peacefully despite various attempts by the Secretary-General.

In the discussions that followed, Council members expressed their regret and deep concern at the continued intransigence of Eritrea, and its refusal to recognize and resolve its border dispute with Djibouti while at the same time refusing to allow a United Nations team to visit the country and verify the situation on the ground. Council members also expressed their deep concern with Eritrea's policies in the whole Horn of Africa region, noting that its conduct was leading to escalation of conflict and undermining stability in the region and hence threatening international peace and security, and that this should not be allowed to continue indefinitely.

In view of the impasse and the volatility of the Horn of Africa region, Council members reiterated the need to keep all options for resolving the conflict open, including exploring punitive measures to put pressure on Eritrea, while at the same time continuing to pursue diplomatic efforts. In this regard Council members encouraged and requested the Secretary-General to continue his efforts to engage Eritrea in order to resolve the border dispute with Djibouti peacefully.

Asia

Afghanistan

On 15 July, the Council unanimously adopted a statement by the President of the Council on the situation in Afghanistan (S/PRST/2009/21), in which it, inter alia, welcomed the Afghan-led preparations for the upcoming presidential and provincial council elections scheduled for 20 August 2009, and stressed that the elections should be free, fair, transparent, credible, secure and inclusive. The Council also welcomed the progress achieved by the Government on implementing the Afghanistan Compact and the Afghanistan National Development Strategy, encouraged the Government to undertake enhanced efforts in addressing issues in the areas of security, governance, the rule of law and human rights, including gender equality, and economic and social development, as well as the cross-cutting issue of counter-narcotics, and called upon the international community to continue supporting the Government's efforts.

Myanmar

On 13 July, the Council held an open meeting and was briefed by the Secretary-General on the situation in Myanmar, following his visit to the country on 3 and 4 July. He informed the Council that he had made proposals focused on three outstanding concerns: the release of all political prisoners, including Aung San Suu Kyi; the resumption of substantive dialogue; and the creation of conditions conducive to the holding of credible elections in 2010. He proposed that the senior leadership of Myanmar should enhance its cooperation with the United Nations to address the country's pressing development needs through a broad-based process involving all sectors of society. He further informed the Council that he had made clear that the international community expects the Government to deliver on the promise to make the 2010 elections inclusive, free and fair and to take necessary steps on his proposal in the near future.

The Council also heard a statement by the representative of Myanmar, who communicated his Government's priorities, which included handing over State power to a civilian government after the 2010 elections, as well as laying a good foundation for future social and economic development.

The Council members expressed support for the role of the United Nations through the Secretary-General's good offices.

Nepal

On 20 July, the Council held informal consultations on the situation in Nepal, including the work of the United Nations Mission in Nepal (UNMIN). The Representative of the Secretary-General briefed the Council on the status of the peace process since the resignation of the Prime Minister, Kumal Prachanda. The members of the Council exchanged views on the peace process and reiterated the need for all parties to work together in a spirit of cooperation to take the peace process forward and create the conditions for the completion of the UNMIN mandate.

On 23 July, the Council unanimously adopted resolution 1879 (2009), by which it extended the mandate of UNMIN for a further six months, until 23 January 2010.

Middle East

The situation in the Middle East, including the Palestinian question

On 27 July, the Council held an open debate on the situation in the Middle East, during which it heard a briefing from the Assistant Secretary-General for Political Affairs, Oscar Fernandez-Taranco. The Council also heard statements by the representative of Israel and the observer for Palestine. The Assistant Secretary-General outlined the recent international efforts to create conditions under which negotiations between the parties could resume. He recalled that the Secretary-General and members of the Quartet had met in Trieste, Italy, on 26 June, and informed the Council that the members of the Quartet underlined the need for both Israel and Palestine to implement their obligations under the road map. He also emphasized that Security Council resolution 1860 (2009) remains the main framework for a way forward in Gaza. He called for a prompt and positive response to the Secretary-General's proposal for the entry of materials needed to complete construction of housing, health and education facilities suspended since 2007 as a means to kick-start recovery in Gaza.

Members of the Council reiterated their support for the ongoing efforts to reinvigorate the peace process in all its tracks and the convening of an international conference in Moscow.

Lebanon

On 8 July, the Council held informal consultations on the situation in Lebanon, and was briefed by the Special Coordinator for Lebanon, Michael Williams, who presented the report of the Secretary-General on resolution 1701 (2006) (S/2009/330). He highlighted the latest developments in Lebanon, in particular the parliamentary elections held on 7 June, the designation of Saad Hariri as Prime Minister, and the process towards the formation of a new government. He also reported on the establishment of full diplomatic relations between Lebanon and the Syrian Arab Republic as one of the positive developments in the relations between the two countries, and noted that the next step to be taken would be the delineation of the common border between the two countries. He informed the Council about the current situation on the outstanding issues. The Council also received a briefing by the Assistant Secretary-General for Peacekeeping Operations, Edmond Mulet, who updated members on developments in the operational and security aspects of the activities of the United Nations Interim Force in Lebanon (UNIFIL) in its area of operation. Council members welcomed the progress in the implementation of resolution 1701 (2006), as well as the successful parliamentary elections held on 7 June, and called on all parties to fully implement resolution 1701 (2006).

On 23 July, the Council was briefed by the Under-Secretary-General for Peacekeeping Operations on recent developments in southern Lebanon following an incident involving an arms explosion on 14 July and subsequent attacks on UNIFIL personnel during the ensuing investigation of the arms explosion.

Members of the Council expressed concern over the recent events, condemned the incidents against UNIFIL personnel, called for there to be no infringement on the freedom of movement of UNIFIL within its area of operation, and noted that a joint UNIFIL-Lebanese Armed Forces investigation into the matter was ongoing. They also reiterated the need for the full implementation of resolution 1701 (2006) by all parties.

Thematic and general issues

International Tribunals for the Former Yugoslavia and Rwanda

On 7 July, the Council unanimously adopted resolution 1877 (2009) by which it, inter alia, decided to review the extension of the term of office of the permanent judges at the International Tribunal for the Former Yugoslavia who are members of the Appeals Chamber by 31 December 2009; extended the term of office of specified permanent judges until 31 December 2010, or until the completion of the cases to which they are assigned if sooner; extended the term of office of the permanent judges appointed to replace Iain Bonomy, Mohamed Shahabuddeen, and Christine Van den Wyngaert until 31 December 2010, or until the completion of the cases to which they will be assigned if sooner; extended the term of office of specified ad litem judges until 31 December 2010, or until the completion of the cases to which they are assigned if sooner; and allowed ad litem judges Harhoff, Lattanzi, Mindua, Prandler and Trechsel to serve in the Tribunal beyond the cumulative period of service.

On the same day, the Council also unanimously adopted resolution 1878 (2009), by which it, inter alia, decided to review the extension of the term of office of the permanent judges at the International Criminal Tribunal for Rwanda who are members of the Appeals Chamber by 31 December 2009; extended the term of office of specified permanent judges who are members of the Trial Chambers until 31 December 2010, or until the completion of the cases to which they are assigned if sooner; extended the term of office of the permanent judge appointed to replace Sergei Aleckseevich Egorov until 31 December 2010, or until the completion of the cases to which he or she would be assigned if sooner; and extended the term of office of specified ad litem judges until 31 December 2010.

Non-proliferation/Democratic People's Republic of Korea

On 6 July, the Council held informal consultations on non-proliferation and the Democratic People's Republic of Korea, during which Council members expressed their grave concern and condemned the firing of several missiles by the Democratic People's Republic of Korea on 4 July, in yet another violation of relevant Council resolutions. They noted that the actions of the Democratic People's Republic of Korea had exacerbated the already heightened tension in the Korean peninsula. They called on the Democratic People's Republic of Korea to comply with its international obligations as specified in relevant Council resolutions, including 1874 (2009), and called on all parties to refrain from any action that could aggravate the security situation in the region.

The President of the Council made remarks to the press expressing the grave concern of members of the Council regarding the actions of the Democratic People's

Republic of Korea, and emphasizing the importance of the completion of the work of the Committee established pursuant to resolution 1718 (2006).

Post-conflict peacebuilding

On 22 July, the Council held an open debate on post-conflict peacebuilding, presided over by the Minister for Foreign Affairs of Uganda, Sam Kutesa. In his opening remarks, the Minister said that the task before the Council was to consider and refine strategies through which the United Nations, and the international community, could effectively support countries emerging from conflict to move towards sustainable peace, reconstruction, economic recovery and development. He noted that peacebuilding was premised on the fact that, without peace, development is not possible and yet, without development, peace is not durable.

The Secretary-General presented his report on peacebuilding in the immediate aftermath of conflict (S/2009/304). He emphasized that peacebuilding entailed much more than ending war; it was about putting in place the institutions and trust that would carry people forward into a peaceful future. He said that, time and again, war-ravaged people had asked for help in establishing security and safety, restoring basic services and core Government functions, supporting a political transition and jump-starting economic recovery.

The Chairperson of the Peacebuilding Commission, Ambassador Heraldo Muñoz of Chile, said that the Commission would support national Governments in managing the difficult process of establishing clear and attainable peacebuilding priorities, working closely with United Nations country staff to ensure coordination and avoid duplication.

The Council also heard a statement by the Director of the Bureau for Crisis Prevention and Recovery of the United Nations Development Programme, Jordan Ryan, who said that effective and quick peacebuilding action was essential if countries emerging from conflict were to succeed in meeting the Millennium Development Goals. He stressed the importance of effectively linking short-term peacebuilding activities with long-term recovery and development.

The Director of the Fragile and Conflict-Affected Countries Group of the World Bank, Alistair McKechnie, stressed the need for financial accountability to maintain long-term predictable financial support. He noted that often the highest priority is personal security, justice and ending impunity, and not the easier public services.

Statements were made by participants including the Minister for Africa, Asia and the United Nations of the United Kingdom, Lord Malloch-Brown; the Minister for Foreign Affairs of Somalia, Mohamed Abdullahi Omaar; the Deputy Minister for International Relations and Cooperation of South Africa, Ebrahim Ismail Ebrahim; the Minister Delegate in Charge of National Defence, Veterans Affairs, Victims of War, Disarmament and Restructuring of the Army of the Central African Republic, Jean-Francis Bozizé; Council members, and representatives of 23 Member States.

At the end of the debate the Council adopted a presidential statement (S/PRST/2009/23), in which it emphasized the importance of national ownership and the need for national authorities to take responsibility for the early re-establishment of the institutions of Government, restoring the rule of law, revitalizing the economy, reforming the security sector, providing basic services and

other key peacebuilding needs. The Council stressed the importance of greater coordination with the World Bank, other international financial institutions, and Member States in providing rapid, flexible and predictable funding. It reaffirmed the central role of regional and subregional organizations in peacebuilding. The Council requested the Secretary-General to report within 12 months to the Security Council and the General Assembly on progress achieved in fulfilling his agenda for action to improve the United Nations peacebuilding efforts, taking into consideration the views of the Peacebuilding Commission.

Threats to international peace and security caused by terrorist acts

On 17 July, following the terrorist attacks that occurred in Jakarta on the same day, the Council adopted a presidential statement (S/PRST/2009/22), in which it condemned in the strongest terms those terrorist attacks. The Council underlined the need to bring the perpetrators, organizers, financiers and sponsors of those reprehensible acts of terrorism to justice, and urged all States, in accordance with their obligations under international law and relevant Security Council resolutions, to cooperate actively with the Indonesian authorities in this regard.

United Nations S/2009/448

Security Council

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9 September 2009

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Letter dated 8 September 2009 from the Acting Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Antigua and Barbuda submitted pursuant to resolution 1624 (2005) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ranko **Vilović**
Acting Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Note verbale dated 25 August 2009 from the Permanent Mission of Antigua and Barbuda to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of Antigua and Barbuda to the United Nations presents its compliments to the Chairman of the Counter-Terrorism Committee and has the honour to submit to the Committee the national report of Antigua and Barbuda pursuant to the provisions of resolution 1624 (2005) (see enclosure).

Enclosure

Report of Antigua and Barbuda on resolution 1624 (2005)

Paragraph 1

1.1 **What measures does Antigua and Barbuda have in place to prohibit by law and to prevent incitement to commit a terrorist act or acts? What further steps, if any, are under considerations?**

Article 20 of the Prevention of Terrorism Act of 2005 punishes anyone who counsels or procures the commission of an offence under the Act, or conspires to commit such an act. Article 13 prohibits recruitment for a terrorist group or act. Article 17 makes the conspiracy provisions applicable both within and outside the national territory.

The Public Order Act of 1972 contains several articles relevant to incitement. Article 33 makes it an offence punishable by fine and up to twelve months imprisonment to publish, distribute or publicly use words which are threatening, abusive or disturbing, being matter or words intended or likely to stir up or capable of stirring up hatred against a member of the national public distinguished by race, place of origin, political opinions, colour or creed. Article 36 makes it an offence punishable by fine or up to two years imprisonment to behave or incite any other person to behave in a manner which is intended or is likely to incite or induce or is capable of inciting or inducing any person to kill or do physical injury to any person, class or community, to destroy or damage any property or to deprive any person by force or fear of the possession or use of property. Other provisions of the Act require a permit from the Chief of Police for public meetings and regulate such meetings in the interest of preserving public order and the interest of public safety. Violations of these provisions are also criminally punishable.

The Royal Police Force of Antigua and Barbuda dedicates resources in a Special Branch. This Branch is responsible for identifying potential terrorist-related activity within the community and for intelligence exchanges with foreign counter-terrorism partners.

1.2 **What measures does Antigua and Barbuda take to deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts?**

Antigua has been a party to the 1951 Convention on the Status of Refugees and its updating Protocol of 1967 since 1995. That agreement provides exclusion clauses for persons whom there is reason to believe guilty of specific crimes or acts contrary to the purposes and principles of the United Nations. Resolution 1373, paragraph 5, specifically declares that acts, methods and practices of terrorism and of financing, planning and inciting terrorist acts are contrary to the purposes and principles of the United Nations. Accordingly, the legislation adopting and implementing the Refugee Convention and protocol should contain a provision allowing exclusion of such person. Unfortunately, to date, Antigua

and Barbuda does not have any legislation that adopts or implements the United Nations Refugee Convention and Protocol.

Articles 41 of the Prevention of Terrorism Act of 2005 specifically gives the Minister responsible for immigration the power to refuse the application of any person applying for status as a refugee, if he or she has reasonable grounds to believe that the applicant has committed a terrorist act or is likely to be involved in the commission of a terrorist act. Article 40 provides similar powers with respect to permitting any non-refugee an endorsement or other authority to enter the country, and to ordering a person to leave the country and remain thereafter out of Antigua and Barbuda.

1.3 **How does Antigua and Barbuda cooperate with other States in strengthening the security of its international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including by combating fraudulent travel documents and to the extent attainable, by enhancing terrorist screening and passenger security procedures?**

Multilaterally, Antigua and Barbuda works through for a such as those established under the United Nations system, the EU, and G8 to devise better processes and procedures and to determine best practices — such as seeking assistance from Interpol's systems on lost and stolen passports, and those with outstanding arrest warrants.

Both bilaterally and regionally, our Police and Security Intelligence located in the Royal Police Force of Antigua and Barbuda work with their counterparts in other CARICOM countries and with the Regional Security System in the Caribbean to ensure that those people who are of interest but with no outstanding warrant are identified as appropriate. The Royal Police Force of Antigua and Barbuda dedicates resources in a Special Branch. This Branch is responsible for identifying potential terrorist-related activity within the community and for intelligence exchanges with foreign counter-terrorism partners, which includes liaising via Interpol National Central Bureaux.

Lastly, counter-terrorism interventions at Antigua and Barbuda's borders are executed by the Special Branch of the Royal Police Force of Antigua and Barbuda (Police), and is supported by other border agencies such as the Antigua and Barbuda Coast Guard which is part of the Antigua and Barbuda Defense Force, the Antigua and Barbuda Defense Force, the Office of National Control and Money Laundering Policy (ONDCP), the Antigua and Barbuda Immigration Department, and the Antigua and Barbuda Customs and Excise Division. Such interventions as these are wholly based on the intelligence and direction of the Special Branch of the Royal Police Force of Antigua and Barbuda (Police) since this Special Branch is tasked with identifying potential terrorist-related activity within the community and for intelligence exchanges with foreign counter-terrorism partners.

1.5 **What steps is Antigua and Barbuda taking to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent subversion of education, cultural and religious institutions by terrorists and their supporters?**

Antigua and Barbuda is a small island developing state with a very small population. As a result, there is a lack of any ideologically extreme movement or any extremist groups in the national populace, and, as such there is no cultural resistance of the people of Antigua and Barbuda to violent movements. In addition, the private schools, cultural and religious institutions in Antigua and Barbuda do not endorse or engage in spreading violent dogmas.

1.6 **What is Antigua doing to ensure that any measures taken to implement paragraphs 1, 2 and 3 of resolution 1624 (2005) comply with all of its obligations under international law, in particular international human rights law, refugee law, and humanitarian law?**

Article 1.2 of the Prevention of Terrorism Act of 2005 contains a saving clause in its definition of terrorist acts, which carefully exempts acts committed in pursuance of a protest, industrial action, demonstration or stoppage of work. This expressly protects both political demonstrations and the right to engage in union activity and conduct protests within reasonable limits.

Articles 40 and 41 of the Prevention of Terrorism Act of 2005 implement the principle of the Refugee Convention on denial of entry to suspected terrorists. An aggrieved individual may apply to the High Court for judicial review of the exercise of the Minister's power under Article 40 (1) or someone facing removal under Article 40 (2) for an order of habeas corpus or other order quashing the decision of the Minister.

Antigua and Barbuda is neither a signatory nor a ratifying state of the International Covenant on Civil and Political Rights. Although the provisions of the Covenant do not bind Antigua and Barbuda, nevertheless the Public Order Act, 1972 implements the objective Article 20-2 of that of the International Covenant on Civil and Political Rights, which requires that "Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law".

In addition to the above, Antigua and Barbuda always seeks to abide by its international obligations, and as a result the State is particularly keen to incorporate international obligations relating to human rights in its domestic legislation. For instance, there are numerous guarantees in relation to fair treatment in criminal procedure law. Under Articles 3-17 of the Constitution of Antigua and Barbuda covers and enshrines the Fundamental Freedoms (human rights) that protect freedom of expression, freedom of thought, religion and expression, just to name a few. Finally, even though Antigua and Barbuda does not have the supporting legislation to the United Nations Refugee Convention and its protocol, this does not negate the fact that in this country, the human rights freedoms and privileges of this Convention and Protocol are entirely respected and applied.

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Security Council

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Report of the Secretary-General concerning the credentials of the representative of France on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received credentials, signed on 26 August 2009 by the President, the Prime Minister and the Minister for Foreign and European Affairs of France, stating that Mr. Gérard Araud has been appointed representative of France on the Security Council.

In the opinion of the Secretary-General, these credentials are in order.

09-50719 (E) 110909

Please recycle

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10 September 2009

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Report of the Secretary-General on children and armed conflict in Burundi

Summary

The present report, prepared pursuant to the provisions of Security Council resolution 1612 (2005), is the third country report on the situation of children and armed conflict in Burundi. It covers the period from September 2007 to June 2009, and illustrates the situation of children affected by the armed conflict in Burundi since my previous report (S/2007/686) and the subsequent conclusions and recommendations of the Working Group on children and armed conflict (S/AC.51/2008/6). The report notes that all children associated with armed groups in Burundi have been separated and reunified with their families.

The report notes that cases of rape and sexual violence, abduction and detention of children, and child recruitment by the Forces nationales de libération (FNL), led by Agathon Rwasa, increased during the period before the release of all children identified as associated with their forces in April 2009. The report emphasizes that, despite improvements in security, a climate of impunity for violators of the rights of children persists in Burundi.

The present report commends the Government of Burundi for progress made on issues that were addressed in my first and second reports, including the demobilization and reintegration of children associated with Forces nationales de libération and alleged FNL dissidents, improvement in the training of security forces, and ensuring protection and access to justice of victims of sexual and gender-based violence. The report encourages the Government of Burundi to consider the protection of children in the application of transitional justice mechanisms and in all provisions of security sector reform. It also encourages the Government to facilitate the adoption of an integrated child protection system. The report calls upon the Government to fully reintegrate all children from armed groups. It also urges the relevant authorities to act to redress impunity for crimes against children through the rigorous and timely investigation and prosecution of such cases.

09-49421 (E) 170909

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I. Introduction

1. The present report, prepared pursuant to the provisions of Security Council resolution 1612 (2005), covers the period from September 2007 to June 2009, and illustrates the situation of children affected by the armed conflict in Burundi since my previous report (S/2007/686) and the subsequent conclusions and recommendations of the Working Group on children and armed conflict (S/AC.51/2008/6). The report outlines trends in the grave child rights violations set forth in Security Council resolution 1612 (2005) and highlights the progress made in ensuring effective protection of affected children and in programmatic responses to child rights violations in Burundi.

Political, military and social developments

2. The end of the reporting period was marked by the release of 340 children associated with the Forces nationales de libération (FNL) movement of Agathon Rwasa on 2 and 10 April 2009 and the remaining 40 children associated with the alleged FNL dissidents in the Randa and Buramata sites on 8 June 2009. With these latest releases of children, there are no longer any known cases of children associated with armed groups in Burundi.

3. During the period under review (from September 2007 to June 2009), the implementation of the Comprehensive Ceasefire Agreement signed in September 2006 between the Government of Burundi and the Parti pour la libération du peuple Hutu-Forces nationales de libération (Palipehutu-FNL; officially named FNL on 9 January 2009) was stalled from July 2007 to May 2008, and armed clashes between FNL and the Government took place in April and May 2008.

4. In order to assist in overcoming the stalemate, the South African Facilitator established in January 2008 a Political Directorate to address political obstacles arising in the course of the implementation of the Comprehensive Ceasefire Agreement and facilitate dialogue between the two parties. The Political Directorate is composed of the representatives of South Africa, the United Republic of Tanzania, Uganda, the African Union, the European Union and the United Nations, as well as representatives of the Government and FNL.

5. Concerted and sustained efforts as well as pressure from the leaders of the Regional Initiative for Peace in Burundi, the Facilitator, the Political Directorate and the international partners resulted in the return of the FNL leadership to Burundi in May 2008. After slow progress, the implementation of the Comprehensive Ceasefire Agreement culminated in April 2009 in the registration of FNL as a political party and, between May and June 2009, in the conclusion of the first phase of the implementation of the Agreement with the integration of FNL into the defence and security forces and national institutions. The demobilization and reintegration of adult FNL combatants began in June 2009 and is expected to conclude in August 2009.

6. The period from September 2007 to May 2008 was characterized by killings, maiming, theft, extortion and looting. Some of those violent acts were perpetrated by unidentified armed men during ambushes. As a consequence, several humanitarian non-governmental organizations (NGOs) that had been operating for many years in the areas where FNL combatants were present suspended their

activities pending improvement of the security situation. In the months from April to June 2008, the arbitrary arrest and detention of young people accused of association or attempted association with the FNL movement was observed.

II. Grave violations against children

A. Recruitment and use of children

Security forces of Burundi

7. During the period under review, there was no evidence of recruitment of children by the Forces nationales de défense (FDN). The Government has shown its commitment to respecting international norms in this regard by becoming a State Party to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, which it ratified in June 2008. In conformity with the Optional Protocol, Burundi has made 18 years the minimum age of recruitment in the army's regulations.

Forces nationales de libération

8. During the period under review, FNL recruited and used children in its movement. Those recruitments were reported mostly during the heavy clashes between FDN and FNL in April and May 2008. A spike in reported recruitment of children was also witnessed during June 2008, when FNL combatants were gathered in pre-assembly areas.

9. From January 2008 to February 2009, 55 children from 11 to 17 years of age were reportedly recruited by FNL. Most of them were students recruited along with their schoolteachers or, in some cases, by their schoolteachers who had an association with FNL.

10. Details of those recruitments are as follows: in April 2008, four boys aged 15 and one aged 17 were reportedly recruited by a primary schoolteacher in Bujumbura Rural province to join FNL. On 21 May 2008, three boys believed to be between 14 and 17 years of age and three other suspected minors of approximately 17 years of age were recruited by FNL members present in Muzinda camp in Bujumbura Rural province. According to a local authority of Bukeye colline, Muramvya Province, around 12 pupils believed to be minors from the local secondary school of Nyamirambo were among the approximately 100 people recruited by FNL in early May 2008 to attend ideological and military training in Kibira forest, bordering the provinces of Bubanza, Kayanza, Cibitoke and Muramvya. The pupils came from the collines of Busangana, Burarana, Nyamirambo and Gashishima, all bordering the Kibira forest.

11. In June 2008, the end of the school year coincided with the beginning of the FNL assembly process, and several reports mentioned a simultaneous launch of a recruitment campaign. Young people, including children, joined FNL in large numbers in the expectation of integration into the national security forces or of receiving a reintegration package. Recruitment of students and teachers by the FNL was confirmed in the provinces of Bujumbura Rural and Bujumbura Mairie, where 6 teachers and 61 pupils aged from 12 to 20 years (among them 2 girls) were recruited. Moreover, 8 minors aged between 11 to 17 years were also recruited in

Makamba province. Thirty pupils, aged between 9 and 14 years, reportedly travelled to the commune of Kabezi, Bujumbura Rural province, to join FNL.

12. With the resumption in May 2008 of the activities of the Joint Verification Monitoring Mechanism of the Ceasefire Agreement between the Government of Burundi and FNL, the Joint Verification Monitoring Mechanism acknowledged the importance of the issue of the release of children associated with FNL. The opening of the Rugazi assembly area in June 2008 and the pre-verification of 2,155 FNL combatants showed a presence of children at the site. Sensitization sessions on the demobilization and reintegration process were conducted by the Executive Secretariat of the National Commission for Demobilization, Reinsertion and Reintegration and advocacy actions by members of the Joint Liaison Team for the assembly process, including the United Nations Integrated Office in Burundi (BINUB) and the United Nations Children's Fund (UNICEF). The Joint Liaison Team is a body in the Joint Verification Monitoring Mechanism that is mandated to monitor the assembly process of FNL. It is composed of representatives of the Office of the Facilitator, the Government of Burundi, FNL, the African Union, BINUB Child Protection and UNICEF. Following those sessions, on 26 August 2008, FNL submitted a list of 30 children to the Facilitator of the Burundi Peace Process, Mr. Charles Nqakula, Minister of Safety and Security of South Africa. Despite advocacy attempts invoking all international legal instruments pertaining to children associated with armed groups, the plan for the release of the children through the Joint Verification Monitoring Mechanism with the Executive Secretariat of the National Commission for Demobilization, Reinsertion and Reintegration, the United Nations Integrated Office in Burundi (BINUB) and the United Nations Children's Fund (UNICEF) was not conducted as planned on 23 October. The FNL leader declared that the issue of children associated with armed groups could not be considered outside the peace process and thus they would not be separated or released until the process had been finalized. Negotiations continued and, on 4 December, a declaration was agreed stipulating the immediate and unconditional release of children during the Regional Initiative Summit.

13. However, despite the 4 December Declaration, 13 boys ranging in age from 15 to 17 years, reportedly left their homes in the commune of Makebuko, Gitega province, in January 2009 and joined FNL of their own accord with the expectation of being integrated into the national army or police or of receiving a reintegration package.

14. Plans for the separation of children in pre-assembly areas were prepared following the nomination of FNL child focal points on 13 February 2009. The children were separated on 2 April 2009.

Forces nationales de libération dissidents

15. In September 2007, a group of approximately 3,200 alleged dissidents of FNL arrived in Bujumbura and were later transferred by the Government to the Randa and Buramata assembly areas in November 2007. Several children were among them. It took several sensitization and advocacy meetings with the dissidents before they accepted to submit a list of names in December 2007. A list of 135 names was later submitted; all belonged to boys ranging in age from 4 to 17 years. The FNL dissidents predicated the release of the children on the inclusion of the dissident group in the formal demobilization and reintegration process. After more than nine

months of continued advocacy and follow-up by the Government and the international community, 220 children were separated from the FNL dissidents in the Randa and Burumata sites on 25 April 2008. The children were transferred by the Executive Secretariat of the National Commission for Demobilization, Reinsertion and Reintegration to Gitega for transit care and were reunified with their families in June and July 2008, with financial support from UNICEF.

16. In August 2008, a Presidential decree was issued establishing a National Verification Commission of the combatant status of FNL dissidents assembled in the Randa and Buramata sites. The commission registered an additional 69 children and submitted the list to the Executive Secretariat of the National Commission for Demobilization, Reinsertion and Reintegration in September 2008. Owing to the closure of the national demobilization and reintegration programme on 31 December 2008, the Executive Secretariat of the National Commission for Demobilization, Reinsertion and Reintegration could not proceed with the separation of the children. Forty of the children were eventually separated on 8 June 2009. The remaining 29 of the 69 children originally registered were not separated as they had already attained the age of 18 years and were either reregistered as adults or could not be found in the assembly area.

B. Cross-border recruitment

Congrès national pour la défense du peuple

17. Operating from North Kivu, in the eastern Democratic Republic of the Congo, the Congrès national pour la défense du peuple armed group was allegedly recruiting young Burundians (no age specified) through Burundian intermediaries throughout October 2008. The Burundi National Police investigated possible recruitments in Cibitoke Province and Bujumbura Mairie, and it was later confirmed in November 2008 by a representative of the police that the Congrès national pour la défense du peuple was offering $100 to officers from national security forces and $40 to others to join the movement. No further information is available at the present time. No one has been apprehended to date.

Forces républicaines fédéralistes

18. A 16-year-old Burundian boy from Kayanza province reported that he had been taken from Kayanza to the Democratic Republic of the Congo in 2008 by a relative to herd cows in Minembwe in the Hauts Plateaux, in Fizi Territory in South Kivu province. He was taken by force by combatants of the Forces républicaines fédéralistes who ordered him to carry their personal belongings under threat of death. Upon arrival at their camp in Kamombo in Fizi Territory in South Kivu, the Forces républicaines fédéralistes combatants gave him a military uniform, and he was reportedly made to work as a cook for three months before he managed to escape to the Minembwe base of the Armed Forces of the Democratic Republic of the Congo, 112th Brigade. He was taken to the 10th Military Region in Bukavu, along with five other Burundian adults where he was detained for two months for association with armed groups before being handed over to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) Disarmament, Demobilization, Repatriation, Resettlement and Reintegration Section in Uvira on 4 May 2009. The MONUC Child Protection Adviser in Uvira contacted

the BINUB Child Protection Adviser who in turn contacted an international NGO for family tracing, which is still ongoing. The child currently remains in the demobilization camp for fear of attack, harassment or rerecruitment by the Forces républicaines fédéralistes if placed with a foster family.

Detention of children for alleged association with armed groups

19. At the end of October 2007, eight minors were detained in Mpimba prison, in Bujumbura Mairie province, accused of being associated with armed groups. Two of them were arrested in May and July 2007, respectively. They were released in early 2009.

20. Four boys who were arrested and detained in Ngozi prison in October 2005 for associating with FNL, along with eight adults, were acquitted after judgement of the Tribunal de Grande Instance of Kayanza. They were all released on 3 October 2008.

C. Killing and maiming

21. Three children were confirmed killed and two maimed during the heavy fighting between national security forces and FNL between April and May 2008. One 9-year-old boy was hit in the forehead by a grenade projectile in Kanyosha (Bujumbura Rural province) during the shelling on 17 April. He was evacuated and died the following day. In addition, two schoolchildren were killed in Kanyosha during a helicopter attack launched by Government forces on 18 April. A primary schoolboy in Gihanga (Bubanza province) was wounded by bullets on 21 April during the fighting between Government forces and FNL. He received medical treatment at the military hospital of Kamenge, Bujumbura.

22. In March and April, eight children were killed, including a 10-month-old baby, and seven children were maimed, by grenade attacks on their homes or family fields. Also, in May and June 2009, eight children were killed and 11 were maimed. For example, on 5 May 2008, an 8-year-old boy was severely wounded during an exchange of gunfire between an alleged member of FNL and soldiers in Muhuta commune, Bujumbura Rural province. The perpetrator and an Forces nationales de défense soldier were arrested. On 26 August 2008, in Rumonge commune, Bururi province, two children aged 16 and 3 years were killed during a household attack by armed men. The two presumed FNL perpetrators were lynched by the population. Nine people, including four FNL who had been denounced by local witnesses, were arrested.

D. Rape and other sexual violence

23. According to the statistics reported by the Seruka Centre, which assists survivors of sexual violence, the number of such cases perpetrated by uniformed personnel has decreased. However, reports of human rights observers in the field indicate that seven cases were attributable to FDN. FNL was cited for 12 cases, and 4 cases were attributed to the alleged FNL dissidents' group.

24. For example, on 15 December 2007, a soldier was accused of raping a girl in the commune of Nyanza-Lac, Makamba province. The presumed perpetrator was arrested. In a separate incident on 17 January 2009, in Mabayi commune, Cibitoke

province, a 16-year-old girl was reportedly raped by an FNL element. The presumed perpetrator fled the area, and the police are still ascertaining his whereabouts.

25. On a positive note, the recent adoption of the revised Penal Code by the National Assembly and the Senate with amendments that strengthen sentencing of perpetrators of sexual violence against children is welcomed.

E. Abduction

26. No information on abduction by armed forces or groups is available for the reporting period.

F. Attacks against schools and/or hospitals

27. During April and May 2008, clashes between Government forces and FNL combatants, which included the shelling of Bujumbura, a health centre in Mpanda commune, Bubanza province, was attacked and looted by FNL combatants. A health centre in Kanyosha, Bujumbura Rural province, was also damaged by shelling. Two primary schools were also shelled in Bubanza province.

III. Progress in addressing impunity for abuses

28. Cases of grave child rights violations, mainly sexual violence, are often reported. The provision of briefings and training sessions on child rights to security and defence forces and the judiciary is resulting in the arrest and prosecution of a number of perpetrators. Of a total of 43 cases that monitors followed closely, 23 were brought to justice. Of those, three sentences were delivered by the Tribunal de Grande Instance, seven are currently before the Tribunal awaiting judgement, and six cases are being examined by the Prosecutor. The remaining cases are still being investigated by the police because the alleged perpetrators either disappeared before arrest or escaped from detention cells, and some cases were settled amicably between the families and the local authorities. Some examples are given in paragraphs 29 through 31.

29. A soldier from the military camp of Muzinda, Bujumbura Rural province, who was arrested for the killing of an 11-year-old boy on 6 July 2008, was sentenced to 10 years imprisonment by a military tribunal, the Conseil de guerre of Bujumbura. Another soldier accused of raping a 13-year-old girl in Nyanza-Lac was sentenced on 15 February 2009 to 10 years imprisonment and fined 500,000 Burundian francs for damages.

30. The file of four FNL combatants accused of taking part in the killing on 28 August 2008 of two children in Rumonge commune, Bururi province, was transmitted to the Tribunal de Grande Instance of Bururi on 3 September 2008. They are awaiting judgement. Five other suspects have been released.

31. The file of a police agent accused of the rape of 18 children in Musongati commune, Rutana Province, was transmitted to the Tribunal de Grande Instance of Rutana in June 2008. A second hearing was held on 31 March 2009. The trial was ongoing at the end of the reporting period.

IV. Advocacy and dialogue for action plans

32. The period under review began and ended with advocacy letters from the Executive Representative of the Secretary-General in Burundi in December 2007 and from the Special Representative of the Secretary-General on Children and Armed Conflict in December 2008. The letters were addressed to the President of Burundi and to the leader of the FNL armed movement and called for the immediate and unconditional release of children associated with armed groups in Burundi and reminded the parties of their responsibilities to protect children rights.

33. In October 2008, UNICEF also requested the FNL leader, Agathon Rwasa, to confirm in writing his commitment to release the children associated with his movement and to designate focal points for children in each pre-assembly and assembly area.

34. Since the return of the FNL leadership to Burundi in May 2008 and the resumption of the implementation of the Comprehensive Ceasefire Agreement, several meetings were held to discuss the separation of children associated with FNL. In August 2008, FNL leader Rwasa agreed to facilitate the sensitization of his combatants for the identification of children associated with his forces. On 20 August 2008, the Executive Secretariat of the National Commission for Demobilization, Reinsertion and Reintegration, BINUB and UNICEF, along with members of the Joint Liaison Team on Assembly Areas, sensitized FNL combatants assembled in the Rugazi assembly area on the national demobilization, reinsertion and reintegration programme. The aim of the sensitization was to obtain the cooperation of FNL commanders in convincing all minors to register themselves on a list of children associated with FNL and also to sensitize all combatants, including children, to ensure their identification and release as soon as possible. After the session, FNL transmitted an official list of names of 30 children that its leaders continued to define as children whom "the movement cared for during the conflict and who were in need of assistance", rather than as children associated with their movement. The movement also transmitted to the Joint Verification Monitoring Mechanism a list of 21,100 combatants, including the names of 10 combatants below the age of 18.

35. The Executive Secretariat of the National Commission for Demobilization, Reinsertion and Reintegration, BINUB and UNICEF prepared a plan for the separation of the 30 children associated with the FNL present in the Rugazi assembly area and for their transfer to the Gitega transit centre on 23 October 2008, which FNL rejected. Another unsuccessful attempt was carried out on 24 December. According to FNL leader Rwasa, the release of children could not be considered separately from the rest of the peace process, that is, political conditions related to the demand that FNL change its party name for recognition as a political party and deliberation on the inclusion of FNL members in high-level posts in the Government, as well as agreement on the integration of FNL combatants into the security and defence forces. With the support of the Facilitator and the Political Directorate, those impediments were eventually overcome.

36. The Declaration of the Special Envoys for the Great Lakes Region of 17 January 2009 called on both the Government and FNL to start the demobilization and reintegration process for children by 30 January 2009.

37. In response to the Declaration of 17 January 2009, FNL sent a letter to the Political Directorate on 9 February mentioning, among other issues, the urgent separation of children associated with the movement even though the new demobilization and reintegration structure was not yet operational. On 13 February, FNL nominated eight focal points for children in each of the assembly and pre-assembly areas who were tasked with providing support to the sensitization, identification and separation process as well as with the transfer of the children to the transit centre in Gitega for eventual reunification with their families. The focal points were briefed by the BINUB Child Protection Adviser and UNICEF on child demobilization and reintegration and the role they would have to play during the process.

38. On 16 March, children and their commanders were sensitized in the Rubira assembly area on their identification and separation. On 2 April 2009, 88 children from the Rubira assembly area (72 identified on 19 March and 16 identified on the spot) and 24 children from Rugazi assembly area were formally released by FNL and handed over to the Government through the Technical Coordination Team[1] on demobilization, reinsertion and reintegration for their transfer to the Gitega demobilization centre. On 10 April, 228 children were released from five FNL pre-assembly areas (Gasarara, Kibuye, Manege, Matongo and Rukoko). In total, 340 children, including 6 girls, spent five to six weeks in transit care in the Gitega demobilization centre. The Technical Coordination Team managed the Centre with the assistance of two national NGOs that assisted in providing psychosocial care as well as organizing sports and cultural activities. A third national NGO also assisted in tracing their families, and sensitizing the communities and the families of the children, and conducted the reunification of all children. UNICEF funded those NGOs and financed the transit care of the 340 children with financial support from the Governments of France and Spain. UNICEF also contributed to the payment of two months of the reinsertion package, which is planned for 18 months, for the equivalent of $18 per month in food items, in order to avoid any disturbance during the family reunification. The remainder of the programming needs will be covered by the Technical Coordination Team when the reinsertion/reintegration programme resumes in September 2009.

39. As for the additional 69 identified children associated with the alleged FNL dissidents present in Randa and Buramata sites since September 2008, their separation was delayed by the end of mandate of the Executive Secretariat of the National Commission for Demobilization, Reinsertion and Reintegration pending the operationalization of the Technical Coordination Team. In order to avoid any clash between the 340 children formerly associated with FNL and the 69 children in the Gitega Demobilization Centre, the separation of the children associated with the alleged FNL dissidents was delayed. The separation of 40 children (39 boys and 1 girl) took place on 8 June 2009 (the remainder of the 69 reached adulthood in the meantime). In order to avoid contact with the adults undergoing demobilization in the Gitega Demobilization Centre, the children were transferred to a Catholic institute in Matara, Bujumbura Rural province. They received transit care (registration, medical screening, psychosocial counselling, HIV/AIDS counselling and testing, and sensitization on peaceful cohabitation and on the demobilization

[1] The team is the successor of the Executive Secretariat of the National Commission for Demobilization, Reinsertion and Reintegration.

and reintegration programme). This programme is managed by the Government with the support of World Bank funding and psychosocial and leisure programmes funded by UNICEF. The 40 children were reunited with their families on 8 July 2009.

V. Disarmament, demobilization and reintegration programmes

40. In total, 626 children formerly associated with armed groups are waiting for their remaining 16-month reintegration package (in-kind of food items equivalent to $18 per month) and reintegration into formal education, vocational training or income-generating activities according to the choice of the minor. Funding for the World Bank/Multi-Country Demobilization and Reintegration Programme in Burundi, including the child demobilization and reintegration programme, officially ended on 31 March 2008. While the donor community was discussing the next transitional phase of demobilization and reintegration with the World Bank and the Government, the issue of children associated with armed groups and their demobilization was kept on the agenda as a matter of concern and urgent response.

41. The establishment in February 2009 of the Technical Coordination Team on demobilization, reinsertion and reintegration, which is a Government body established by the National Commission for Demobilization, Reinsertion and Reintegration, signalled the start of the transitional programme. The terms of reference for the reintegration of children were submitted by the Team to the World Bank, which gave its approval. According to the plan, the Team proposed dividing the country into two zones to cover the 15 provinces where children were reintegrated. Two implementing partners have already been recruited to each cover each zone. The challenge will be to link this reintegration process with a longer-term community-based reintegration programme for vulnerable children under the leadership of the Ministry of National Solidarity, with the support of UNICEF, to avoid neglect of the children's longer-term reintegration needs after the initial 12 to 18 month reintegration project.

42. Despite continued advocacy and sensitization actions conducted by the BINUB Child Protection Adviser and UNICEF, which called on all stakeholders involved to proceed in the best interest of the children, the Executive Secretariat of the National Commission for Demobilization, Reinsertion and Reintegration was not able to address socio-economic needs of 246 children separated from the FNL dissident group. They were supposed to benefit from the same reintegration package given to the 3,028 children who had previously been demobilized between 2004 and 2006 and were already reintegrated into their families and communities. Those 246 children are included in the 626 who are scheduled to benefit from the programme funded by the World Bank.

VI. Other programmatic responses to grave violations

Sexual violence

43. Representatives of local traditional leaders (Bashingantahe), the Vice-Minister in charge of Human Rights and Gender, representatives of the Senate and the National Assembly of Burundi, representatives of civil society, including NGOs, and BINUB and UNICEF participated in a high-level conference to end sexual violence and impunity in the Great Lakes Region. The conference, held in Goma in the North Kivu province of the Democratic Republic of the Congo from 24 to 26 June 2008, adopted the Goma Declaration to end sexual violence and impunity in the Great Lakes Region. Subsequently, BINUB and UNICEF developed a joint strategy to fight sexual and gender-based violence in Burundi, which was the basis for sensitization sessions conducted by Human Rights Officers of BINUB and their partners among the community leaders, associations, including youth clubs, and other community outlets.

44. In November and December 2008, the Vice-Minister in charge of Human Rights and Gender, assisted by BINUB, organized sensitization activities in schools against sexual violence. The sensitization started with a campaign of 16 days of activism against gender-based violence and included 51 schools throughout the country. The sensitization was conducted in collaboration with the Ministry in charge of Gender, the Coalition of Men Fighting Violence against Women and the Association of Single Mothers. In January 2009, sensitization sessions conducted in schools in the provinces of Bujumbura Mairie, Bubanza and Bujumbura rural reached more than 6,000 children at the primary and the secondary levels, together with their teachers. Sensitization materials, including school material with messages against sexual violence, were distributed to participating schools. UNICEF, through its partners, also continued its assistance to the victims of sexual and gender-based violence and its prevention, ensuring the provision of support (medical and psychosocial care and/or legal assistance, as required) to the victims of sexual and gender-based violence in five provinces benefiting 809 victims, including 471 children. UNICEF also provided support to sensitization on the prevention of and fight against sexual and gender-based violence reaching 52,142 persons in Makamba, Muyinga, Ruyigi, Cankuzo, and Bujumbura rural provinces.

Prevention of child recruitment

45. Regarding the revision of the Penal Code which was promulgated on 22 April 2009, BINUB, UNICEF and the Office of the United Nations High Commissioner for Human Rights (OHCHR), together with national and international partners and experts, worked on proposed inputs to be included in the draft code and advocated for an improved justice system for children. After several actions undertaken to sensitize decision makers, the National Assembly adopted the revised Penal Code, which mandates that the recruitment procedures of the Burundian National Defence Forces (FDN) stipulate a minimum age of recruitment in the army of 18 years, and that anyone willing to enlist as an officer or non-commissioned officer must have completed secondary school.

46. BINUB and UNICEF continued to advocate for and sensitize major stakeholders on the necessity to include special protection measures for children in the transitional justice system in Burundi. BINUB and UNICEF undertook this

sensitization during national consultations with the population on transitional justice mechanisms, which took place in early July 2009.

47. During the period under review, BINUB, UNICEF, OHCHR and the United Nations Development Fund for Women ensured the training of officers and the briefing of soldiers of two Burundian military contingents to be deployed in Somalia under the African Union Mission for Somalia. Over 1,700 military personnel have received information and training on human rights, children's rights and child protection as well as on Security Council resolution 1612 (2005) monitoring and reporting mechanisms. In addition, BINUB, with financial and technical support from UNICEF and UNHCR, continued to provide training on human rights and children's rights, including special focus on the prevention of sexual and gender-based violence, to military and police personnel. In order to ensure that children's rights are taken into account by the military, UNICEF and partners, with the participation of BINUB, organized a training-of-trainers session with 30 FDN military instructors. The military instructors were trained on children's rights, international humanitarian law and child protection in times of peace, conflict and peacekeeping. This training also focused on the provisions of Security Council resolution 1612 (2005), with the aim of developing plans to train the remaining 25,000 soldiers deployed in the country and include specific training modules in military curricula. Action plans and programmes are planned to be developed and implemented by the end of 2009 and beyond.

48. The ongoing training and sensitization of the Burundi security forces have started to demonstrate a direct impact in the diminution of violations perpetrated against children. There has been a demonstrated reduction in registered cases among FDN over the last six months of the reporting period. The follow-up on cases with officials of national security forces of violations committed by their members has started to bear fruit in the area of addressing impunity, though more remains to be done.

VII. Recommendations

49. I am heartened by the fact that as of August 2009, there are no more known cases of children associated with armed groups in Burundi. The Government of Burundi, with the assistance of the United Nations country team in Burundi, the World Bank and partners, should undertake, as a priority, to ensure that all 626 children formerly associated with armed groups are fully reintegrated and that a viable protection and prevention system is in place to reduce the vulnerability of children to any possible new recruitment or rerecruitment.

50. The Government of Burundi, with support from its partners, should continue to ensure that children formerly associated with armed groups and other children identified as highly vulnerable are prioritized in longer-term community-based reintegration programmes, in compliance with the Paris Principles on children associated with armed forces or armed groups.

51. In the light of the above, the Security Council Working Group on children and armed conflict may wish, as a matter of follow-up on the gains and progress made in the protection of children in Burundi, to consider a visit to Burundi in the coming months to follow up on the progress made there in the reintegration of all children released from armed groups, to establish lessons learned.

52. The Government of Burundi, the United Nations system and child protection actors should also include the girls and boys formerly associated with armed groups, as appropriate, in any future community-based peacebuilding activities, such as youth ambassadors for peace.

53. A comprehensive strategy to combat sexual violence that ensures an end to impunity through the prosecution of perpetrators and that takes measures to provide support for girl and boy victims of sexual violence should be formulated and implemented by the Government of Burundi with the support of the United Nations country team.

54. I invite the Government of Burundi to establish rules and regulations to prevent the use of children in electoral violence, with specific attention to the need to prevent the utilization of children formerly associated with armed groups during the conflict.

55. The Government of Burundi is urged to ensure that children who are prosecuted for association with armed groups and crimes are treated in accordance with international standards specific to the rights of the child, in particular with regard to the age of criminal responsibility, due process and the principle of deprivation of liberty as a measure of last resort. In addition, the participation, as appropriate, and protection of child victims and witnesses in justice processes should be conducted in line with the United Nations guidelines for justice involving child victims and witnesses of crime.

56. I commend the leadership demonstrated by the Government of Burundi in ensuring, in cooperation with BINUB and the United Nations country team, systematic predeployment training for its peacekeeping troops. I call upon the Government of Burundi to consider, in conjunction with like-minded Member States and troop-contributing countries, forming a contact group within the C-34 committee to further advocate the need for systematic predeployment training on child protection for all peacekeeping troops.

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General Assembly
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General Assembly
Sixty-third session
Agenda item 15
The situation in the Middle East

Security Council
Sixty-fourth year

Identical letters dated 9 September 2009 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a statistical table of the violations committed by Israel by air, sea and land during the month of August 2009 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-third session of the General Assembly, under agenda item 15, and of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative

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Annex to the identical letters dated 9 September 2009 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Statistical table showing Israeli violations during August 2009

Air violations					*Land violations*					
Military jet	*Reconnaissance*	*Helicopter*	*Total*	*Sea violations*	*Military acts of aggression*	*Field violations*	*Breaches*	*Total*	*Overall total*	*Previous month's violations*
				Crossing of territorial waters, and firing of automatic-weapons rounds, flares and flare shells over territorial waters	Air raids, artillery shelling, shelling of military positions and important posts, attacks on and killing of civilians	Gunfire, launching of flare shells, dropping of artillery shells, infiltration and crossing of international borders	Threats and display of weapons, bulldozing of soil, placing of barbed wire and setting up of installations inside Lebanese territory			
13	23	—	36	8	—	20	—	20	64	64

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Agenda item 15
The situation in the Middle East

Security Council
Sixty-fourth year

Identical letters dated 9 September 2009 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a statistical summary of Israeli violations committed from 16 to 31 August 2009 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-third session of the General Assembly, under agenda item 15, and of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative

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Annex to the identical letters dated 9 September 2009 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Israeli violations, acts of aggression and other activities from 16 to 31 August 2009, inclusive

Air violations

On 17 August 2009:

- Between 0630 and 1500 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b and flying north as far as Baalbek. It circled over the areas of Riyaq and Baalbek and left over Kafr Killa.

On 18 August 2009:

- Between 0720 and 1945 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace. It entered over Naqurah and circled over the South before leaving over Alma al-Sha'b.

On 19 August 2009:

- Between 1027 and 1200 hours, two Israeli enemy warplanes violated Lebanese airspace. They entered over Kafr Killa and circled over all regions of Lebanon before leaving over Alma al-Sha'b.

On 20 August 2009:

- Between 0605 and 1520 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace. It entered over Naqurah and flew north, circling over the South before leaving over Naqurah.

- Between 0655 and 2330 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace. It entered over Naqurah and flew north, circling over the South before leaving over Alma al-Sha'b.

On 22 August 2009:

- At 1355 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace. It entered over Naqurah and flew north as far as Jazzin, circling over the South before leaving over Rumaysh at 0110 hours on 23 August 2009.

On 24 August 2009:

- At 0805 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace. It entered over Naqurah and circled over the South before leaving over Naqurah at 0305 hours on 25 August 2009.

On 25 August 2009:

- Between 1035 and 1145 hours, two Israeli enemy warplanes violated Lebanese airspace. They entered over the occupied Shab'a Farms and circled over all regions of Lebanon before leaving over Alma al-Sha'b.

– Between 1150 and 1225 hours, two Israeli enemy warplanes violated Lebanese airspace. They entered over Rumaysh and flew north, circling over all regions of Lebanon before leaving over Alma al-Sha'b.

On 26 August 2009:

– Between 0705 and 2000 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace. It entered over Naqurah and flew north, circling over the South before leaving over Rumaysh.

On 27 August 2009:

– Between 0810 and 1530 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace. It entered over Naqurah and circled over Beirut and the South before leaving over Naqurah.

On 28 August 2009:

– Between 1555 and 1908 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace. It entered over Naqurah and flew north as far as the region east of Sidon, circling over the South before leaving over Kafr Killa.

On 29 August 2009:

– Between 0710 and 1305 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace. It entered over Alma al-Sha'b and flew north as far as Nabatiyah, circling over the South before leaving over Naqurah.

On 31 August 2009:

– Between 0720 and 1630 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace. It entered over Naqurah and flew north, circling over the South before leaving over Naqurah.

– Between 1033 and 1130 hours, four Israeli enemy warplanes violated Lebanese airspace. They entered over Kafr Killa and flew north, circling over all regions of Lebanon before leaving over Alma al-Sha'b.

Sea violations

On 16 August 2009:

– At 2335 hours, an Israeli enemy gunboat in the open sea within occupied Palestinian territorial waters off Ra's Naqurah directed a searchlight towards Lebanese territorial waters for five seconds.

On 18 August 2009:

– At 0315 hours, the Israeli enemy, from its position at Ra's Naqurah, directed a searchlight for five seconds some 50 metres inside Lebanese territorial waters in the direction of buoy No. 3.

On 20 August 2009:

– At 0025 hours, an Israeli enemy gunboat in the open sea within occupied Palestinian territorial waters directed a searchlight towards Lebanese territorial waters for five seconds.

– At 0055 hours, an Israeli enemy gunboat directed a searchlight for five seconds some 500 metres inside Lebanese territorial waters in the direction of buoy No. 4.

– At 0425 hours, an Israeli enemy gunboat in the open sea within occupied Palestinian territorial waters directed a searchlight for five seconds towards Lebanese territorial waters.

On 24 August 2009:

– At 0340 hours, an Israeli enemy gunboat directed a searchlight for five seconds some 150 metres inside Lebanese territorial waters in the direction of a Lebanese fishing boat at buoy No. 6.

Acts of aggression in the field

On 16 August 2009:

– At 2000 hours, the Israeli enemy, from its position in the Zar'it barracks, directed a searchlight for one minute towards Lebanese territory (Tarbikha gate-Marwahin triangle).

On 17 August 2009:

– Between 1600 and 1640 hours, the Israeli enemy, from its Radar position inside the occupied Shab'a Farms, directed medium-weapons fire towards the outskirts of the position.

On 18 August 2009:

– At 2040 hours, the Israeli enemy, from its position in the Zar'it barracks, directed a searchlight for five seconds towards Lebanese territory (Tarbikha gate).

On 24 August 2009:

– At 2330 hours, the Israeli enemy, from its position on Jabal Nirat, directed a searchlight for four minutes towards Kafr Killa and the Lebanese Army position there.

On 28 August 2009:

– At 2110 hours, an Israeli enemy patrol comprising two Hummer jeeps proceeded from the Misgav Am position to a position east of Markaba and directed a searchlight for 10 minutes towards Lebanese territory.

– At 2155 hours, an Israeli enemy patrol comprising two Hummer jeeps proceeded from the Shaykh Abbad position to a position east of Markaba and directed a searchlight for five minutes towards Lebanese territory.

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-fourth year

Identical letters dated 10 September 2009 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

I regret to once again draw your attention to continuing illegal settlement activities by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem.

In yet another repugnant display of defiance, the Israeli Government this week announced the official approval of the construction of hundreds of more new settlement units on confiscated lands in the Palestinian Territory it has militarily occupied since 1967. In this regard, it has been announced that at least 450 settlement units, including in a new settlement in the Jordan Valley area, are planned to be built in addition to Israel's declared intention to proceed with the construction of over 2,000 other settlement units throughout the West Bank, including in and around East Jerusalem.

At the same time, in addition to numerous other ongoing colonization activities, I must inform you of recent reports concerning unlawful and provocative excavations that continue to be perpetrated by Israel in occupied East Jerusalem. The Al-Asqa Foundation for Heritage and Waqf has reported that the "Israeli Antiquities Authority", in cooperation with the "Elad" settler organization, has already dug a 120-meter long tunnel from underneath the Silwan neighbourhood in Jerusalem towards the Al-Haram Al-Sharif compound in the Old City of Jerusalem. Such illegal actions must be vociferously denounced, for, in addition to altering the character and geographic nature of occupied East Jerusalem, such actions also risk further aggravating political and religious sensitivities, tensions and instability in the City, which are already at high levels.

The illegality of all Israeli settlement activities in the Occupied Palestinian Territory, including in East Jerusalem, has been definitively established and is absolutely indisputable. The international consensus in this regard is firm, deriving its strength from the rules and principles of international law that prohibit any

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colonization activities by an occupying Power in the territory it has occupied and prohibit completely the acquisition of territory by force.

We thus reiterate that Israel's settlement activities — including, but not limited to, the construction of settlements and network of settlement infrastructure, the transfer of Israeli settlers and permissiveness regarding their violent and criminal behaviour, and the construction of the annexation Wall in the Palestinian Territory — constitute deliberate and grave breaches of international law, including provisions of the Fourth Geneva Convention, Protocol I Additional to the Geneva Conventions and the Rome Statute of the International Criminal Court, as well as blatant violations of numerous Security Council and General Assembly resolutions, which explicitly call upon Israel to, inter alia, cease immediately all settlement activities and abide by its legal obligations as an occupying Power.

Of course, Israeli settlement activities also constitute blatant disrespect of the 9 July 2004 advisory opinion of the International Court of Justice, which directly addressed Israel's illegal settlement campaign in the Occupied Palestinian Territory and the unquestionable link to its construction of the Wall, both unlawful enterprises aimed at vastly altering the physical landscape and demographic composition of the Territory, particularly in and around East Jerusalem.

In addition, Israel's continued pursuit of settlement activities is in direct contravention to its obligations under the Quartet road map to freeze all settlement activities, including "natural growth", and to dismantle all settlement outposts erected since March 2001. Thus, rather than committing itself to the cause of making peace and conducting itself in a manner consistent with its legal obligations and international commitments and aimed at building confidence and trust, Israel remains intransigent, choosing instead to continue this destructive and unlawful settlement campaign, placing further obstacles on the path to peace.

Indeed, Israel's declared intention to continue settlement construction represents a direct affront to the international and regional efforts, in particular the efforts of the United States at this critical juncture, aimed at creating a climate appropriate for resumption of peace negotiations. Once again, Israeli's readiness, willingness and credibility as a partner for peace are in serious question.

Furthermore, as Israel continues to act illegally, unilaterally and deceitfully, it is not only undermining faith in the peace process and minimizing the prospects for its resumption, it is also methodically undermining the prospects for physically realizing the two-State solution for peace on the basis of the 1967 borders. This must be cause for alarm for the international community, and requires that appropriate and concerted action be taken by all concerned, including the Security Council, to bring an end to such Israeli impunity and flagrant disregard for the law and to truly promote the international consensus in rejection of settlement activities and in support for the two-State solution and the achievement of a just, lasting and comprehensive peace. The Palestinian leadership reiterates its readiness to uphold its obligations and to cooperate with the international community in this regard towards achievement of our common goal of justice and peace.

This letter is in follow-up to our previous 342 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 3 August 2009 (A/ES-10/459-S/2009/401), constitute a basic record

of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of Palestine to the United Nations

United Nations S/2009/454

Security Council

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11 September 2009

Original: English

Identical letters dated 11 September 2009 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

I write this letter of complaint regarding a serious incident that occurred today, 11 September 2009, in the northern part of Israel. This afternoon, at 15:45 local time, three Katyusha rockets were launched from Lebanese territory towards Israel. Initial findings on the ground indicate that at least one of these rockets landed near the city of Nahariya in northern Israel. The Israeli Defense Forces (IDF) immediately responded to the source of the fire, exercising its rights to self-defence under article 51 of the Charter of the United Nations.

This grave incident, together with previous attacks and incidents that the Security Council has addressed recently, is yet another demonstration of the existence of arms and terrorist activity south of the Litani River, in violation of Security Council resolution 1701 (2006). As such, it presents a serious threat to peace and stability in the region.

Israel holds the Government of Lebanon responsible for ensuring that its territory is free of any armed personnel, assets and weapons other than those of the Government of Lebanon and of the United Nations Interim Force in Lebanon (UNIFIL).

I should be grateful if you would have the text of the present letter circulated as a document of the Security Council.

(*Signed*) Gabriela **Shalev**
Ambassador
Permanent Representative

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United Nations S/2009/455

Security Council

Distr.: General
15 September 2009

Original: English

Draft resolution

The Security Council,

Recalling its resolutions and statements by its President concerning the situation in Liberia and the subregion, in particular its resolutions 1836 (2008), 1626 (2005), and 1509 (2003),

Welcoming the Secretary-General's report of 10 August 2009 (S/2009/411), as well as his special report of 10 June 2009 (S/2009/299), and taking note of the recommendations in both reports,

Welcoming the efforts of the Government of Liberia to further national reconciliation and economic recovery, and to combat corruption and promote efficiency and good governance, in particular steps taken with regard to strengthening Government control over natural resources and to address the important issue of land reform,

Taking note of the conclusion of the work of the Truth and Reconciliation Commission, which provides an important opportunity for the people of Liberia to move the national reconciliation agenda forward and engage in a constructive national dialogue on the root causes of the Liberian conflict,

Recognizing that lasting stability in Liberia and the subregion will require well-functioning and sustainable security and rule of law sectors, and noting the continuing progress being made in developing and professionalizing the Armed Forces of Liberia and the Liberia National Police,

Recalling the benchmarks for the drawdown phase of United Nations Mission in Liberia (UNMIL), including core benchmarks on the Liberia National Police and the national security strategy, and noting with concern those areas where progress is still slow,

Recognizing the significant challenges that remain across all sectors, including continuing problems with violent crime,

Welcoming the efforts of the Secretary-General to keep all peacekeeping operations, including UNMIL, under close review and stressing the need for the Council to pursue a rigorous, strategic approach to peacekeeping deployments, consistent with the statement of its President dated 5 August 2009 on United Nations peacekeeping operations (S/PRST/2009/24),

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Expressing its appreciation for the continuing support of the international community, the Economic Community of West African States (ECOWAS), and the African Union (AU),

Noting with concern the threats to subregional stability, including to Liberia, in particular posed by drug trafficking, organized crime, and illicit arms,

Commending the work of UNMIL, under the leadership of the Special Representative of the Secretary-General, for its continuing and significant contribution to maintaining peace and stability in Liberia, and welcoming the close cooperation between UNMIL and the United Nations Operation in Côte d'Ivoire (UNOCI), as well as with neighbouring Governments, in coordinating security activities in the border areas in the subregion,

Taking note of the conclusions of the needs assessment mission that evaluated the requirements of the Liberian National Elections Commission to prepare for and conduct the October 2011 general presidential and legislative elections, and stressing that the responsibility for the preparation and conduct of the elections rests with the Liberian authorities, with the support of the international community,

Welcoming progress achieved on the benchmarks laid out in the Secretary-General's reports of 12 September 2006, 9 August 2007, and 19 March 2008,

Recalling its resolutions 1325 (2000) and 1820 (2008) on women, peace, and security and condemning any sexual violence, further welcoming the continuing efforts of UNMIL, in close cooperation with the Government of Liberia, to promote and protect the rights of civilians, in particular women and children, noting with appreciation that the Government's strategy for implementation of resolution 1325 (2000) is in place, recognizing the challenges that remain in addressing the serious issues of gender-based violence and sexual exploitation and abuse, and calling on member states to increase support to the government in its efforts,

Encouraging Liberian authorities to expedite their efforts to constitute the Independent National Commission on Human Rights,

Reiterating the continuing need for UNMIL's support for the security of the Special Court for Sierra Leone, subject to periodic review as the Court's work progresses,

Determining that the situation in Liberia continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that the mandate of the United Nations Mission in Liberia (UNMIL) shall be extended until 30 September 2010;

2. *Authorizes* UNMIL to assist the Liberian government with the 2011 general presidential and legislative elections, by providing logistical support, particularly to facilitate access to remote areas, coordinating international electoral assistance, and supporting Liberian institutions and political parties in creating an atmosphere conducive to the conduct of peaceful elections;

3. *Calls upon* Liberian authorities to ensure that the outstanding issues regarding the electoral legal framework, including delineation of constituencies and

proposed constitutional amendments, are finalized to facilitate adequate preparations for the elections;

4. *Further endorses* the Secretary-General's recommendation that the conduct of free and fair, conflict-free elections be a core benchmark for UNMIL's future drawdown;

5. *Reaffirms* its intention to authorize the Secretary-General to redeploy troops, as may be needed, between UNMIL and UNOCI on a temporary basis in accordance with the provisions of resolution 1609 (2005) and calls on troop contributing countries to support the efforts of the Secretary-General in this regard;

6. *Endorses* the Secretary-General's recommendation in his special report of 10 June 2009 (S/2009/299) to implement the third stage of UNMIL's drawdown, from October 2009 to May 2010, repatriating 2,029 military personnel, three attack helicopters, and 72 armoured personnel carriers, leaving UNMIL's military strength at 8,202 personnel, including 7,952 troops in Liberia and 250 at the Special Court for Sierra Leone and keeping the UNMIL police component at its current authorized strength;

7. *Requests* the Secretary-General, following consultations with the Government of Liberia, to develop and submit to the Council a strategic integrated plan to coordinate activity towards the achievement of benchmarks, and recalling the statements of its President on 22 July 2009 (PRST/2009/23) and 5 August 2009 (PRST/2009/24) which emphasized the need for coherence between, and integration of, peacemaking, peacekeeping, peacebuilding and development to achieve an effective response to post-conflict situations, requests the Secretary-General to provide in his reports an indication of progress toward achieving a coordinated United Nations approach in Liberia and in particular on critical gaps to achieving peacebuilding objectives;

8. *Underscores* the importance that the military concept of operations and rules of engagement be regularly updated and be fully in line with the provisions of this resolution, and requests the Secretary-General to report on them to the Security Council and Troop Contributing Countries;

9. *Further requests* the Secretary-General to continue to monitor progress on core benchmarks, in particular on progress on preparations for the 2011 elections, and on the progress made towards building the capability of the Liberia National Police, and to report regularly on that progress to the Security Council;

10. *Calls* upon the Government of Liberia, in coordination with UNMIL, the United Nations country team and international partners to redouble efforts to develop national security and rule of law institutions that are fully independently operational, and to this end encourages coordinated progress on the implementation of all Security and Justice Development Plans, including the Liberia National Police strategic plan referenced in paragraph 29 of the Secretary-General's report of 10 August 2009 (S/2009/411);

11. *Further requests* the Secretary-General to keep it regularly informed of the situation on the ground and to provide by 15 August 2010 a report on the issues addressed in paragraphs 2 and 9;

12. *Decides* to remain seized of the matter.

United Nations S/2009/456

Security Council

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15 September 2009

Original: English

Draft resolution

The Security Council,

Recalling its previous resolutions and the Statements of its President concerning the situation in Sierra Leone, in particular resolution 1829 (2008),

Commending the valuable contribution that the United Nations Integrated Peacebuilding Office in Sierra Leone (UNIPSIL) has made to peacebuilding efforts and to the country's peace, security and development,

Welcoming the report of the Secretary-General dated 1 September 2009 (S/2009/438) and his recommendation that the mandate of UNIPSIL be extended for a period of one year until 30 September 2010, with a view to providing continued peacebuilding assistance to the Government of Sierra Leone,

Emphasizing the importance of continued integrated support of the United Nations system and the international community for the long-term peace, security and development of Sierra Leone, particularly through strengthening the capacity of the Government of Sierra Leone,

Welcoming the Government's Agenda for Change as the core strategic document for the country for the period until the end of 2012, and *calling upon* all international partners to align their assistance with the priorities outlined in the Agenda for Change,

Commending UNIPSIL and the United Nations Country Team for articulating a new and innovative approach to peacebuilding in the United Nations Joint Vision document, *welcoming* the integration of the political mandate of UNIPSIL with the development and humanitarian mandates of the United Nations Country Team, and *encouraging* all United Nations entities in Sierra Leone to continue to implement the Joint Vision strategy,

Welcoming the political parties' Joint Communiqué of 2 April 2009 and its contribution towards the immediate cessation of the political violence in Sierra Leone, and *calling upon* all political parties and other relevant actors to adhere to its provisions and ensure its implementation,

Reiterating its appreciation for the work of the Peacebuilding Commission and *welcoming* the outcome of its Special High-Level Session on Sierra Leone on 10 June 2009, which articulated a roadmap for the Commission's continued engagement with Sierra Leone in alignment with the Government's Agenda for Change,

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Reiterating its appreciation for the work of the Special Court for Sierra Leone, *stressing* the importance of the trial of former Liberian President Charles Taylor by the Court, as well as effective outreach on the trial at local level, *welcoming* the progress made in other trials, *reiterating* its expectation that the Court will finish its work as soon as possible, and *calling upon* Member States to contribute to the Court,

Welcoming the role played by the Economic Community of West African States, and *encouraging* the Member States of the Mano River Union and other regional organizations to continue promoting regional peace and security,

1. *Decides* to extend the mandate of UNIPSIL, as set out in resolution 1829 (2008), until 30 September 2010;

2. *Emphasizes* the importance for UNIPSIL of achieving jointly with the United Nations Country Team the objectives of the Joint Vision within their respective mandates and, in particular, focusing on providing support to the Government of Sierra Leone in its efforts regarding constitutional reform, building police capacity, tackling corruption, illicit drug trafficking and organized crime, as well as addressing youth unemployment, supporting the preparations for the 2012 elections, and assisting the work of the Peacebuilding Commission and the Peacebuilding Fund;

3. *Encourages* the Executive Representative of the Secretary-General to pursue his action to enhance the integration and effectiveness of United Nations efforts on the ground in support of the implementation of the Joint Vision in Sierra Leone and of the recovery and development priorities of the Government and people of Sierra Leone;

4. *Calls upon* the Secretary-General to develop a set of benchmarks for the transition of UNIPSIL into a United Nations country team presence, taking into account those already agreed upon by the government and the United Nations in the Joint Vision for Sierra Leone, and the particular challenges involved in preparing for the 2012 elections, to keep these under active review, and regularly report on progress to the Security Council;

5. *Emphasizes* that the Government of Sierra Leone bears primary responsibility for peacebuilding, security and long-term development in the country, and *encourages* the Government of Sierra Leone to continue the implementation of the Agenda for Change, the Peacebuilding Commission to follow actively developments and mobilize international support as needed, and existing as well as potential new international donors to provide support to the Government;

6. *Calls upon* the Government of Sierra Leone, UNIPSIL and all other stakeholders in the country to increase their efforts to promote good governance, including through continued measures to combat corruption, improve accountability, promote the development of the private sector to generate wealth and employment opportunities, intensify efforts against drug trafficking and strengthen the judiciary and promote human rights, including through implementation of the recommendations of the Truth and Reconciliation Commission and sustaining support to the National Human Rights Commission;

7. *Emphasizes* the important role of women in the prevention and resolution of conflicts and in peacebuilding, as recognized in resolutions 1325 (2000) and

1820 (2008), *underlines* that a gender perspective should be taken into account in implementing all aspects of the mandate of UNIPSIL, and *encourages* UNIPSIL to work with the Government of Sierra Leone in this regard;

8. *Requests* that the Secretary-General keep the Council informed every six months of progress made in the implementation of the mandate of UNIPSIL and this resolution;

9. *Decides* to remain actively seized of the matter.

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General Assembly
Security Council

Distr.: General
14 September 2009

Original: English

General Assembly
Sixty-third session
Agenda items 13 and 18

Security Council
Sixty-fourth year

Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Letter dated 11 September 2009 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I would like to draw your attention to actions undertaken recently by the Republic of Armenia in open defiance of the Charter of the United Nations and fundamental principles of international law.

According to mass media reports, early in September 2009 President Serzh Sargsyan of the Republic of Armenia visited the occupied territories of the Republic of Azerbaijan. The purpose of the visit was to participate in the events organized on the occasion of "independence day" of the subordinate separatist entity illegally established by Armenia in the occupied territories of Azerbaijan. Simultaneously, Minister for Foreign Affairs Edward Nalbandian of the Republic of Armenia and accompanying high-ranking Armenian diplomats visited the occupied territories of Azerbaijan in the framework of the annual meeting of heads of diplomatic missions of Armenia.

In his welcoming address, President Sargsyan claimed that the subordinate separatist entity illegally established by Armenia in the occupied territories of Azerbaijan is no less than "a full-fledged State ... that embodies the ideals of freedom, sovereignty and democracy ...". He assured all Armenians that "the peaceful resolution to the Nagorny Karabakh conflict will be first and foremost based on the consent and free will of the people of Artsakh". Against this background, the President of Armenia further recognized that "the Republic of Armenia and the entire Armenian nation have been and will continue to be Artsakh's sturdy supporters".

My Government considers the aforementioned visits to the occupied territories of Azerbaijan and bellicose rhetoric as an open challenge to the ongoing efforts towards the soonest political settlement of the conflict between Armenia and Azerbaijan.

09-51210 (E) 150909

Please recycle

In reality, Armenia undertook yet another attempt to justify its annexationist policy and mislead the international community by means of blatant distortion of facts as to the origin and essence of the ethnically constructed subordinate separatist entity which the world refused to recognize.

The ritualistic visit of the high-ranking officials and diplomats of Armenia to the occupied territories of Azerbaijan to commemorate the events, which became a starting point of large-scale war between the two States and caused incalculable human sufferings, testifies that Armenia fails to fulfil its most basic and compelling responsibilities and gives preference to escalation with unpredictable consequences.

It is no exaggeration to say that by taking care of the "free will" of the Nagorny Karabakh Armenians alone, while denying the rights of both the whole people of Azerbaijan and its forcibly displaced component, the Republic of Armenia pursues consistent policy based on disregard of international law and aimed at creating a mono-ethnic culture in the occupied territories of Azerbaijan.

It is essential to recall, in this regard, that the Security Council has consistently reaffirmed both the sovereignty and territorial integrity of Azerbaijan and the inadmissibility of the use of force for the acquisition of territory. It has also recognized that Nagorny Karabakh is part of Azerbaijan and has called on a number of occasions for immediate, full and unconditional withdrawal of the occupying forces from all the occupied territories of Azerbaijan. Further, the General Assembly expressly reaffirmed in resolution 62/243 of 14 March 2008, entitled "The situation in the occupied territories of Azerbaijan", continued respect and support for the sovereignty and territorial integrity of Azerbaijan within its internationally recognized borders as a basis for the settlement of the conflict.

In other words, it has been internationally recognized that Azerbaijani territories are under occupation and that Armenia has been actively involved in the creation and maintenance of that situation. The occupation by force of Nagorny Karabakh and its surrounding areas constitutes a flagrant breach by the Republic of Armenia of the territorial integrity of the Republic of Azerbaijan.

Consequently, the international community declared the "independence" of the ethnically constructed entity in the occupied territories of Azerbaijan invalid. No action taken by Armenia, the occupying power, or by its subordinate separatist regime within the occupied territories can affect the pre-existing legal status of these territories, which thus remain Azerbaijani in international law.

The Republic of Armenia must realize that, for its own good and in the interests of lasting peace, stability and mutually beneficial cooperation in the region, there is no alternative other than solving the conflict based on respect for the territorial integrity and inviolability of the internationally recognized borders of Azerbaijan. The Republic of Azerbaijan will never accept a solution compromising its territorial integrity, ignoring the rights of its people and legalizing the current status quo.

Today, more than ever before, joint and concrete actions are needed to effectively address the major threats and challenges that affect the basic elements of the international legal order, undermine the national unity and stability of States and regenerate disregard and contempt for human rights. We must categorically reject the gains of the use of force and ethnic cleansing, which are incompatible with the principles and ideals of peace, democracy, stability and friendly relations.

In this regard, Azerbaijan expects that Member States would convince Armenia to cease its destructive policies, to respect the generally accepted norms and principles of international law and to negotiate in good faith with a view to finding the soonest solution to the conflict.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 13 and 18, and of the Security Council.

Agshin **Mehdiyev**
Ambassador
Permanent Representative

United Nations A/63/964–S/2009/458

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Security Council

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14 September 2009

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General Assembly
Sixty-third session
Agenda item 15
The situation in the Middle East

Security Council
Sixty-fourth year

Identical letters dated 14 September 2009 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On 11 September 2009 at 3:55 p.m., the Israeli army showered the outskirts of the town of Klaele in South Lebanon with around twelve 155-mm shells. Israel proclaimed that its shelling of the outskirts of Klaele came in response to the launching of two Grad missiles, calibre 122-mm, from the same area and on the same day.

Later in the evening, Israel directly interfered with the telephone network in South Lebanon. This Israeli action jammed the telephone signal in South Lebanon and disrupted the telecommunications in the concerned areas.

Immediately after the missile launch, the Lebanese Armed Forces and the United Nations Interim Force in Lebanon (UNIFIL) jointly started to investigate the incident to determine its perpetrators.

While the Lebanese Government condemned the missile launch and undertook to investigate the incident and to hold its perpetrators accountable, the violent and disproportionate Israeli action is a blatant and premeditated violation of the sovereignty of Lebanon and of Security Council resolution 1701 (2006), and constitutes a flagrant breach of a previously set practice that any incident across the Blue Line should be dealt with through UNIFIL and without resorting to unilateral measures. Clearly, such an action cannot meet any of the requirements of self-defence as expressed in the Charter of the United Nations and must therefore be strongly condemned.

I wish to draw your kind attention to this irresponsible and reprehensible Israeli behaviour, which adds to other continuous Israeli violations of Security Council resolution 1701 (2006), including daily overflights and incursions into Lebanese territory, in addition to the ongoing occupation of the northern part of al-Ghajar and of the Sheba'a farms and Kfar Shouba Hills, while reiterating Lebanon's firm commitment to said resolution 1701 (2006) and to the ongoing cooperation between the Lebanese Armed Forces and UNIFIL.

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I kindly request that the present letter be circulated as an official document of the General Assembly under agenda item 15, and of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative

United Nations S/2009/459

Security Council

Distr.: General
16 September 2009

Original: English

Identical letters dated 11 September 2009 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General and the President of the Security Council

In connection with the forthcoming meeting of the Security Council, at the level of Heads of State and Government, to be held on 24 September 2009, on nuclear non-proliferation and nuclear disarmament, I have the pleasure, on behalf of the member States of the Non-Aligned Movement (NAM), to bring herewith to the attention of the Security Council the related paragraphs reflecting the positions of NAM on this important issue incorporated in the Final Document adopted by the XV Summit of Heads of State and Government of the Non-Aligned Movement, held in Sharm el-Sheikh, Egypt, on 16 July 2009 (see annex).

I trust that this contribution by the Non-Aligned Movement will enrich the deliberations of the Security Council on this issue and that it would be duly taken into consideration in the formulation of any document to be adopted by the Security Council at the end of this important summit.

I request that the present letter and its annex be circulated as a document of the Security Council and distributed in its current form to the members of the Security Council.

(*Signed*) Maged A. **Abdelaziz**
Ambassador
Permanent Representative

09-51654 (E) 220909

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Annex to identical letters dated 11 September 2009 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General and the President of the Security Council

Excerpts from the Final Document adopted at the XV Summit of Heads of State and Government of the Non-Aligned Movement, Sharm el-Sheikh, Egypt, 16 July 2009

Section on "Disarmament and International Security", select paragraphs relating to "Nuclear Disarmament and Nuclear Non-Proliferation":

..

104 The Heads of State and Government *reaffirmed* and *reiterated* the long-standing principled positions of the Movement on disarmament and international security, including the decisions taken at the XII Summit in Durban in 1998, the XIII Summit in Kuala Lumpur in 2003, the XIV Summit in Havana in 2006, the XIII Ministerial Conference in Cartagena in 2000, the XIV Ministerial Conference in Durban in 2004, the Ministerial Meeting held in Putrajaya, Malaysia, in 2006, and the XV Ministerial Conference held in Teheran, Islamic Republic of Iran, in 2008.

105 The Heads of State and Government *reiterated* their continued grave concern over the current difficult and complex situation in the field of disarmament and international security. In this regard, they called for renewed efforts to resolve the current impasse in achieving nuclear disarmament and nuclear non-proliferation in all its aspects.

106 While *reaffirming* the absolute validity of multilateral diplomacy in the field of disarmament and non-proliferation, the Heads of State and Government *reiterated* their determination to promote multilateralism as the core principle of negotiations in the area of disarmament and non-proliferation, and in this regard, they *welcomed* the adoption of General Assembly resolution 63/50 on Promotion of multilateralism in the area of disarmament and non-proliferation.

107 The Heads of State and Government *reiterated* their strong concern at the growing resort to unilateralism and in this context, underlined that multilateralism and multilaterally agreed solutions, in accordance with the United Nations Charter, provide the only sustainable method of addressing disarmament and international security issues.

108 The Heads of State and Government *reaffirmed* the Movement's principled positions on nuclear disarmament, which remains its highest priority, and on the related issue of nuclear non-proliferation in all its aspects and *stressed* the importance that efforts aiming at nuclear non-proliferation should be parallel to simultaneous efforts aiming at nuclear disarmament. They *stressed* their concern at the threat to humanity posed by the continued existence of nuclear weapons and of their possible use or threat of use. They *reiterated* deep concern over the slow pace of progress towards nuclear disarmament and the lack of progress by the Nuclear-Weapons States (NWS) to accomplish the total elimination of their nuclear arsenals.

They *underscored* the need for the NWS to implement the unequivocal undertaking that they provided in 2000 so as to accomplish the total elimination of nuclear weapons and *emphasized*, in this regard, the urgent need to commence negotiations on nuclear disarmament without delay.

109 The Heads of State and Government, while noting the recent statements by NWS of their intention to pursue actions in achieving a world free of nuclear weapons, reaffirmed the need for urgent concrete actions by the NWS to achieve this goal.

110 The Heads of State and Government *remained* deeply concerned at strategic defence doctrines of NWS, including the "NATO Alliance Strategic Concept", which not only set out rationales for the use or threat of use of nuclear weapons, but also maintain unjustifiable concepts on international security based on promoting and developing military alliances and nuclear deterrence policies.

111 The Heads of State and Government *reiterated* that improvements in existing nuclear weapons and the development of new types of nuclear weapons as envisaged in the United States Nuclear Posture Review contravene the security assurances provided by the NWS. They further *reaffirmed* that these improvements as well as the development of new types of such weapons violate the commitments undertaken by the NWS at the time of the conclusion of the Comprehensive Nuclear-Test-Ban Treaty (CTBT).

112 The Heads of State and Government *emphasized* that progress in nuclear disarmament and nuclear non-proliferation in all its aspects is essential to strengthening international peace and security. They *reaffirmed* that efforts toward nuclear disarmament, global and regional approaches and confidence building measures complement each other and should, wherever possible, be pursued simultaneously to promote regional and international peace and security.

113 The Heads of State and Government *reaffirmed* the importance and the relevance of the United Nations Disarmament Commission (UNDC) as the sole specialised, deliberative body within the United Nations multilateral disarmament machinery. They continued to *fully support* the work of the UNDC and *expressed* regret that UNDC was unable to reach agreement on recommendations on its two agenda items during substantive sessions of its three-year cycle ending in April 2008 due to the lack of political will and inflexible positions of certain Nuclear-Weapons States, despite NAM's constructive role and concrete proposals throughout the deliberations, especially in the Working Group on "Recommendations for achieving the objective of nuclear disarmament and non-proliferation of nuclear weapons". The Heads of State and Government, while recalling the proposals submitted by the Movement, during the 2009 substantive session, called upon United Nations Member States to display the necessary political will and flexibility in order to achieve agreement on its recommendations in the UNDC's future sessions.

114 The Heads of State and Government reaffirmed the importance of the Conference on Disarmament (CD) as the sole multilateral negotiating body on disarmament, and reiterated their call on the CD to agree on a balanced and comprehensive program of work by, inter alia, establishing an ad hoc committee on nuclear disarmament as soon as possible and as the highest priority. They emphasized the necessity to start negotiations on a phased programme for the complete elimination of nuclear weapons with a specified framework of time, including a

Nuclear Weapons Convention. They reaffirmed the importance of the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and to bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

115 The Heads of State and Government, *reaffirming* the importance of the Conference on Disarmament (CD), as the sole multilateral disarmament negotiating forum, *noted* the adoption of the Program of Work for the 2009 session (CD/1864) by the CD on 29 May 2009 after years of stalemate. They *expressed* their appreciation to the Members and Presidents of the Conference, in particular Algeria, for their tireless efforts in this regard. The Heads of State and Government *agreed* to continue coordination of efforts at the NAM Chapter in Geneva.

116 The Heads of State and Government *reiterated* their support for the convening of the Fourth Special Session of the United Nations General Assembly devoted to Disarmament (SSOD-IV) and further *reiterated* their deep concern over the persistent lack of consensus to date, despite efforts made in 2007. Appreciating the role of the Chair of the open-ended working group in 2007, selected from NAM, the Heads of State and Government recalled the concrete proposals and the consistent and constructive efforts of the Movement to reach agreement among all United Nations Member States. They regretted the lack of political will of a certain State in obstructing consensus at the time. The Heads of State and Government *also stressed* the importance of the General Assembly to continue its active consideration with a view to reaching consensus on the objectives, agenda, and the establishment of a preparatory committee for the SSOD-IV, including by reconvening the open-ended working group to consider the objectives and agenda, including the possible establishment of the preparatory committee for SSOD-IV. NAM would request, at an appropriate time, the convening of the open-ended working group.

117 The Heads of State and Government again called for an international conference to identify ways and means of eliminating nuclear dangers, at the earliest possible date, with the objective of arriving at an agreement on a phased programme for the complete elimination of nuclear weapons with a specified framework of time to eliminate all nuclear weapons, to prohibit their development, production, acquisition, testing, stockpiling, transfer, use or threat of use, and to provide for their destruction.

118 The Heads of State and Government *reaffirmed* that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons and *reaffirmed* further that non-NWS should be effectively assured by NWS against the use or threat of use of nuclear weapons. Pending the total elimination of nuclear weapons, they reaffirmed the need for the conclusion of a universal, unconditional and legally binding instrument on security assurances to non-NWS as a matter of priority. They *noted* the establishment in 1998 of an Ad Hoc Committee on effective international arrangements to assure non-nuclear-weapons States against the use or threat of use of nuclear weapons in the Conference on Disarmament to negotiate universal, unconditional and legally binding security assurances to all non-NWS.

119 The Heads of State and Government *stressed* the significance of achieving universal adherence to the CTBT, including by all NWS, which, inter alia, should contribute to the process of nuclear disarmament. They *reiterated* that if the

objectives of the Treaty were to be fully realized, the continued commitment of all States signatories, especially the NWS, to nuclear disarmament would be essential.

120 The Heads of State and Government, while *noting* the entry into force of the 2002 Moscow Treaty between the Russian Federation and the United States, *stressed* that reductions in deployments and in operational status cannot substitute for irreversible cuts in, and the total elimination of, nuclear weapons, and *called on* the United States and the Russian Federation to apply the principles of transparency, irreversibility and verifiability to further reduce their nuclear arsenals, both warheads and delivery systems, under the Treaty. While taking note of the positive signals by the United States and the Russian Federation on their negotiations on the replacement of the Strategic Arms Reduction Treaty (START I), which is due to expire by the end of 2009, the Heads of State and Government *urged* them to conclude such negotiations urgently in order to achieve further deep cuts in their strategic and tactical nuclear weapons. The Heads of State and Government *further stressed* that such cuts should be irreversible, verifiable and transparent.

121 The Heads of State and Government continued to be concerned over the negative implications of the development and deployment of anti-ballistic missile (ABM) defence systems and the threat of weaponization of outer space which have, inter alia, contributed to the further erosion of an international climate conducive to the promotion of disarmament and the strengthening of international security. The abrogation of the ABM Treaty brings new challenges to strategic stability and the prevention of the arms race in outer space. They *remained* concerned that the implementation of a national missile defence system could trigger an arms race(s) and the further development of advanced missile systems and an increase in the number of nuclear weapons.

124 The Heads of State and Government believed that the establishment of nuclear-weapon-free zones (NWFZs) created by the treaties of Tlatelolco, Rarotonga, Bangkok, Pelindaba, the Central Asian nuclear-weapon-free zone treaty as well as Mongolia's nuclear-weapon-free-status are positive steps and important measures towards strengthening global nuclear disarmament and nuclear non-proliferation and they *welcomed* the entry into force of the Treaty on a nuclear-weapon-free zone in Central Asia on 21 March 2009 as an effective contribution to strengthening regional and global peace and security. They *reiterated* that in the context of NWFZs, it is essential that NWS should provide unconditional assurances against the use or threat of use of nuclear weapons to all States of the zone. They *urged* States to conclude agreements freely arrived at among the States of the region concerned with a view to establishing new NWFZs in regions where they do not exist, in accordance with the provisions of the Final Document of the First Special Session of the General Assembly devoted to Disarmament (SSOD-I) and the principles adopted by the 1999 United Nations Disarmament Commission. Recalling the convening and the outcome of the First Conference of the States Parties and Signatories to Treaties that Established Nuclear Weapon Free Zones held in Tlatelolco, Mexico, from 26 to 28 April 2005, the Heads of State and Government *called on* the States parties and signatories to the Treaties of NWFZs to implement further ways and means of co-operation among themselves, their treaty agencies and other interested States. In this regard, they took note of the Focal Points Meeting of NWFZ Treaties and Mongolia, held from 27-28 April 2009 in Ulaanbaatar. They *expressed* their support for Mongolia's policy in institutionalizing its nuclear-weapon-free status. In this regard they welcomed the start of the talks by Mongolia

with its two neighbours to conclude the required legal instrument and expressed their hope that it would soon result in the conclusion of an international instrument institutionalizing the status.

125. The Heads of State and Government *reiterated* their support for the establishment in the Middle East of a zone free of all weapons of mass destruction. As a priority step to this end, they *reaffirmed* the need for the speedy establishment of a NWFZ in the Middle East in accordance with the Security Council resolution 487 (1981) and paragraph 14 of the Security Council resolution 687 (1991) and the relevant General Assembly resolutions adopted by consensus. They called upon all parties concerned to take urgent and practical steps towards the fulfilment of the proposal initiated by Iran in 1974 for the establishment of such a zone and, pending its establishment, they demanded on Israel, the only country in the region that has not joined the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) nor declared its intention to do so, to renounce possession of nuclear weapons, to accede to the NPT without delay, to place promptly all its nuclear facilities under IAEA full-scope safeguards according to Security Council resolution 487 (1981) and to conduct its nuclear-related activities in conformity with the non-proliferation regime. They called for the earliest implementation of relevant IAEA resolutions on "Application of IAEA Safeguards in the Middle East". They *expressed* great concern over the acquisition of nuclear capability by Israel which poses a serious and continuing threat to the security of neighbouring and other States, and *condemned* Israel for continuing to develop and stockpile nuclear arsenals. In this context they also *condemned* the statement made by the Prime Minister of Israel on 11 December 2006, related to the possession of nuclear weapons by Israel. They *urged* the continued consideration of the issue of Israeli nuclear capabilities in the context of the IAEA, including at the General Conference at its 53rd Session. They were of the view that stability cannot be achieved in a region where massive imbalances in military capabilities are maintained particularly through the possession of nuclear weapons, which allow one party to threaten its neighbours, and the region. They further *welcomed* the initiative by H.E. Mr. Mohammed Hosni Mubarak, President of the Arab Republic of Egypt, on the establishment of a zone free from weapons of mass destruction in the Middle East, and in this context, they took into consideration the draft resolution tabled by the Syrian Arab Republic, on behalf of the Arab Group, before the Security Council on 29 December 2003 on the establishment of a zone free of all weapons of mass destruction in the Middle East. They *stressed* that necessary steps should be taken in different international fora for the establishment of this zone. They also called for the total and complete prohibition of the transfer of all nuclear-related equipment, information, material and facilities, resources or devices and the extension of assistance in the nuclear-related scientific or technological fields to Israel. In this regard, they *expressed* their serious concern over the continuing development whereby Israeli scientists are provided access to the nuclear facilities of one NWS. This development will have potentially serious negative implications on security in the region as well as the reliability of the global non-proliferation regime.

126. The Heads of State and Government *expressed* their support for the efforts of the Arab Group in Vienna to keep the question of the Israeli Nuclear capabilities under consideration of the General Conference of the IAEA at its 53rd Session.

127. The Heads of State and Government *underscored* the Movement's principled position concerning non-use or threat of use of force against the territorial integrity

of any State. In this regard, they *condemned* the Israeli attack against a Syrian facility on September 6, 2007, which constitutes a flagrant violation of the United Nations Charter and *welcomed* Syria's cooperation with the IAEA in this regard.

129. The Heads of State and Government *emphasized* the importance of the United Nations activities at the regional level to increase the stability and security of its Member States, which could be promoted in a substantive manner by the maintenance and revitalization of the three regional centres for peace and disarmament.

130. The Heads of State and Government of the States Parties to the NPT, while *reaffirming* the package of agreements of the 1995 Review and Extension Conference of the NPT and the Final Document of the 2000 Review Conference of the NPT, *reiterated* their disappointment at the inability of the 2005 Review Conference of the NPT to agree on substantive recommendations. While recognizing the crucial role of the NPT in nuclear disarmament, nuclear non-proliferation and the peaceful uses of nuclear energy, the Heads of State and Government of the States Parties to the NPT *agreed* to make every effort to reach a successful outcome at the 2010 Review Conference of the NPT and called upon nuclear-weapon States to reiterate their full respect for their obligations under the Treaty, in particular in the area of nuclear disarmament, and the outcomes of its Review Conferences, in particular the 1995 Review and Extension Conference and the 2000 Review Conference and undertake practical measures thereto in order to arrive at a successful outcome of the 2010 Review Conference.

131. The Heads of State and Government of the States Parties to the NPT *reiterated* their call for the firm commitment by all States parties to the Treaty to the implementation of all the provisions of the Treaty and called for the full implementation of the 13 practical steps for systematic and progressive efforts to implement Article VI of the Treaty, particularly an unequivocal undertaking by the NWS to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament. Pending the total elimination of nuclear weapons, they also recalled that the Final Document of the 2000 Review Conference of the NPT *reiterated* that legally binding security assurances by the five NWS to the non-NWS parties to the Treaty strengthen the nuclear non-proliferation regime. They underlined the importance to establish subsidiary bodies to the relevant Main Committees of the 2010 Review Conference of the NPT to deliberate on practical steps for systematic and progressive efforts to eliminate nuclear weapons; to consider and recommend proposals on the implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the NPT; and to consider and adopt a legally binding international instrument on unconditional security assurances to non-nuclear-weapon States. In this regard, they *emphasized* the need for the Preparatory Committee meetings to continue to allocate specific time for deliberations on nuclear disarmament, implementation of the 1995 resolution on the Middle East and security assurances. They recalled the agreement that the Review Conference will be chaired by a representative from the Movement.

132. The Heads of State and Government of the States Parties to the NPT called upon the NWS to implement their commitments not to use or threaten to use nuclear weapons against non-NWS parties to the Treaty or NWFZs at any time or under any circumstances, pending the conclusion of a legally binding instrument on security assurances.

133 The Heads of State and Government *reaffirmed* the inalienable right of developing countries to engage in research, production and use of nuclear energy for peaceful purposes without discrimination. They continued to *note* with concern that undue restrictions on exports to developing countries of material, equipment and technology, for peaceful purposes persist. They again *emphasized* that proliferation concerns are best addressed through multilaterally negotiated, universal, comprehensive and non-discriminatory agreements. Non-proliferation control arrangements should be transparent and open to participation by all States, and should ensure that they do not impose restrictions on access to material, equipment and technology for peaceful purposes required by developing countries for their continued development. The Heads of State and Government *expressed* their full confidence in the impartiality and professionalism of the IAEA and *strongly rejected* attempts by any State to politicize the work of the IAEA, including its technical cooperation programme, in violation of the IAEA Statute.

134 The Heads of State and Government of the States Parties to the NPT *emphasized* once more that nothing in the Treaty shall be interpreted as affecting the inalienable right of all the parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I, II, and III of the Treaty. They *stressed* that this right constitutes one of the fundamental objectives of the Treaty. In this connection, they confirmed that each country's choices and decision in the field of peaceful uses of nuclear energy should be respected without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and its fuel-cycle policies.

135 The Heads of State and Government stressed particularly the responsibility of developed countries to promote the legitimate need of nuclear energy of the developing countries, by allowing them to participate to the fullest extent possible in the transfer of nuclear equipment, materials, scientific and technological information for peaceful purposes with a view to achieving the largest benefits and applying pertinent elements of sustainable development in their activities.

136 The Heads of State and Government highlighted that the issue of multilateral approaches to the nuclear fuel cycle should be conducted through wide, integral and transparent consultations and negotiations, focusing on its technical, legal, political and economical implications, before any decision is taken about this complex and sensitive matter. The Heads of State and Government emphasized that decisions should be made by consensus, with the participation of all IAEA member States, and any proposal from IAEA must be consistent with its Statute, without any prejudice to the inalienable right of its member States to research, develop and use for peaceful purposes of nuclear sciences, in all its aspects.

137 The Heads of State and Government *emphasizing* the importance of the positive role played by the Non-Aligned Members in the IAEA, *stressed* the necessity that all members of the IAEA strictly observe its Statute. They *stressed* that any undue pressure or interference in the Agency's activities, especially its verification process, which could jeopardize the efficiency and credibility of the Agency, should be avoided. They recognised that the IAEA is the sole competent authority for verification of compliance with the obligations under the respective safeguard agreements of the Member States. They also *reaffirmed* that a clear distinction has to be made between the legal obligations of Member States under their respective

safeguards agreements and their voluntary undertakings, in order to ensure that such voluntary undertakings are not turned into legal safeguards obligations.

138. The Heads of State and Government *stressed* that the discussion of the IAEA's future role until 2020 and beyond is an issue of extraordinary importance for all IAEA member States, in particular for NAM members. Therefore it should be conducted through a transparent and careful deliberation process, with active participation of all IAEA member States. Any decision in this regard should take into account the interests of all IAEA member States in order to achieve consensus.

139. The Heads of State and Government *reaffirmed* the inviolability of peaceful nuclear activities and that any attack or threat of attack against peaceful nuclear facilities — operational or under construction — poses a great danger to human beings and the environment, and constitutes a grave violation of international law, principles and purposes of the United Nations Charter and regulations of the IAEA. They recognised the need for a comprehensive multilaterally negotiated instrument prohibiting attacks or threat of attacks on nuclear facilities devoted to peaceful uses of nuclear energy.

140. The Heads of State and Government *affirmed* the need to strengthen the Radiological Safety and Protection Systems at facilities utilising radioactive materials as well as at radioactive waste management facilities, including the safe transportation of these materials. They *reaffirmed* the need to strengthen existing international regulations relating to safety and security of transportation of such materials. While *reiterating* the need to take appropriate measures to prevent any dumping of nuclear or radioactive wastes, they called for effective implementation of the Code of Practice on the International Transboundary Movement of Radioactive Waste of the IAEA as a means of enhancing the protection of all States from the dumping of radioactive wastes on their territories.

141. The Heads of State and Government *stressed* that the issue of proliferation should be resolved through political and diplomatic means, and that measures and initiatives taken in this regard should be within the framework of international law; relevant conventions; the United Nations Charter, and should contribute to the promotion of international peace, security and stability.

142. The Heads of State and Government commended the continued work of the NAM Working Group on Disarmament, under the chairmanship of Indonesia, in coordinating issues of common concern to the Movement in the field of disarmament and non-proliferation. They *encouraged* all NAM delegations to actively participate at the international disarmament meetings with a view to promote and achieve the objectives of the Movement.

143. Consistent with and guided by the aforementioned principled positions and *affirming* the need to promote, defend and preserve these positions, the Heads of State and Government *agreed* to:

> 143.1 Continue to pursue the positions and priorities of the Movement, as appropriate, in the relevant international fora; and
>
> 143.2 Task the NAM Coordinating Bureau to undertake efforts, as appropriate, with a view to achieving the objectives of the Movement at disarmament and international security meetings.

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Letter dated 15 September 2009 from the Permanent Observer of the African Union to the United Nations addressed to the President of the Security Council

Pursuant to Article 54 of the Charter of the United Nations, I have the honour to transmit herewith a copy of a press statement (No. PSC/PR/CCII) issued by the Peace and Security Council of the African Union at its 202nd meeting, held in Addis Ababa on 10 September 2009, on recent developments in the situation in Madagascar (see annex).

It would therefore be appreciated if the text of the above-mentioned document could be circulated as a document of the Security Council.

(*Signed*) Lila Hanitra **Ratsifandrihamanana**
Ambassador
Permanent observer to the United Nations

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Annex to the letter dated 15 September 2009 from the Permanent Observer of the African Union to the United Nations addressed to the President of the Security Council

Press statement issued by the Peace and Security Council of the African Union at its 202nd meeting

The Peace and Security Council (PSC) of the African Union (AU), at its 202nd meeting held on 10 September 2009, received a briefing from the Special Envoy of the Chairperson of the Commission for Madagascar, Mr. Ablassé Ouedraogo, on recent developments in the situation in Madagascar.

The Council expressed its deep concern at the sudden rise of tension in Madagascar following the unilateral decision made by the de facto authorities to establish what was termed a Government of National Unity without the participation of other political movements, in violation of to the Charter of the Transition and subsequent Agreements, particularly the Charter of Values, signed in Maputo on 9 August 2009.

The Council welcomed the decision of the SADC Summit, held in Kinshasa, Democratic Republic of Congo, from 6 to 8 September 2009, on Madagascar.

The Council stressed that the Charter of the Transition and the Agreements signed in Maputo on 9 August 2009, remain the consensual framework for ending the crisis peacefully and called on the Malagasy parties to continue inclusive dialogue for a consensual distribution of posts of responsibility within the transitional institutions in accordance with the Charter of the Transition.

The Council condemned the decisions taken unilaterally by Mr. Rajoelina and called him to resume dialogue with other political movements for inclusive and peaceful implementation of the Charter and the Transition Agreements signed in Maputo and urged the protagonists to return to constitutional order within the period not exceeding fifteen (15) months, as envisaged in the said Charter, through the holding of just, free, transparent and credible elections.

The Council commended the Special Envoy of the Chairperson of the Commission, Ablassé Ouedraogo, for all the efforts deployed in collaboration with other Special Envoys of the International Organization of la Francophonie, Mr. Edem Kodjo: the UN, Mr. Tiébilé Drame, the SADC and Head of the SADC Mediation, former President of the Republic of Mozambique, Mr. Joaquim Chissano, in seeking a peaceful, consensual and inclusive solution to the crisis in Madagascar.

The Council encouraged the Special Envoy of the Chairperson of the Commission to continue his efforts with the Joint International Mediation Team and to support the Malagasy people in their efforts to exit from the crisis and to ensure compliance and monitoring of the implementation of the Charter of the Transition.

The Council expressed its gratitude to the countries and international organizations of the International Contact Group on Madagascar for their efforts in monitoring the situation in Madagascar.

The Council decided to meet later to assess the evolution of the situation in Madagascar with a view to taking appropriate measures, including targeted

sanctions against the de facto authorities and their supporters within the framework of the Lomé Declaration of 2000, Protocol Relating to the Establishment of the Peace and Security Council and other pertinent AU instruments.